

A N
A P P E A L

TO THE
JUSTICE AND INTERESTS

OF THE PEOPLE OF
G R E A T B R I T A I N,

IN THE PRESENT DISPUTES WITH
A M E R I C A.

BY AN OLD MEMBER OF PARLIAMENT.

L O N D O N :

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MDCCLXXIV.

IT is against the franchise of the land for freemen to be taxed, but by their own consent. *Sir Edw. Coke.*

RESOLVED—That the antient and undoubted rights of every freeman are—that he hath a full and absolute property in his goods and estate, and cannot be taxed but by comon consent. *Comm. Journ: N. 1. p. 878.*

A TAX granted by the parliament of England shall not bind those of Ireland, because they are not summoned to our parliament.

Opinion of the judges of England, 20th of Henry VI.

IRELAND hath a parliament of its own, and maketh and altereth laws, and our statutes do not bind them, because they do not send knights to our parliament.

Opinion of the judges of England, 2d of Rich. III.

YOU have no right to tax America—I rejoice that America has resisted—two millions of our fellow subjects, so lost to every sense of virtue as tamely to give up their liberties, would be fit instruments to impose chains upon the rest.

Lord Chatham.

MY researches have more and more convinced me that you have no right to tax America.—I will maintain it with my last breath—taxation and representation are inseparable.

Lord Camden.

A N
P P E A L.

A State of contention between Great Britain and America, is not only disagreeable but dangerous. We have every influence of interest and affection to attach us to each other, and make us wish to preserve the union indissoluble. The same laws, the same religion, the same constitution, the same feelings, sentiments and habits, are a common blessing and a common cause. We have these general benefits to defend against the rest of the world, which is hostile to all, or to the greater part, of them.

With ties so strong to bind us to each other, is it not strange, is it not deplorable, that we should differ? Do they who talk of chastising our colonies, and reducing them to obedience, consider how much we hazard when we dissolve these ties? What are we to substitute in their place? Force and Fear; which Tacitus wisely tells us, are *infirma vincula, quæ ubi removeris, qui timere desierint, odisse incipient*. When these

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consequences follow from the coercive measures we are now pursuing, will the counsellors who have impelled us to them, by representations not, I am sure, very fair, defend us from their fatal effects?

It is from experience only that nations learn wisdom. But unhappily sometimes the injury of the experiment is irretrievable. We have too much reason, I think, to apprehend that this will be the event of our present conduct. The course of the last war gave us proof of the strength and success which arises from the cordial attachment of our colonies; and in all human probability, the next war will convince us of the feebleness which flows from their disaffection. I hope to prove incontestably, that they aided us during the last war with a degree of zeal and efficacy which we can never again expect, at least unless our language and conduct be totally reversed. The war found us united; it was conducted gloriously upon the strength of that union; and left us in perfect harmony. Unhappy were the councils which disturbed that harmony; unhappy was the idea of taxation, which, without being productive of any one of the benefits expected from it, has given birth to a thousand calamities which were not foreseen. From the æra of this innovation we are to date all the disturbances which have shaken the whole empire; and which if we do not treat them with more wisdom, must inevitably end in the dissolution of all American dependence on the parent state. In considering this subject, two very material questions immediately present themselves.

Whether

Whether we have a right to tax the colonies ?
and, Whether it be expedient to exercise that
right ?

If a dispassionate examination should shew,
that both or either of these must be answered
in the negative, it will prove that our present
measures are not dictated by political wisdom.

In order to determine whether we have a right
to tax the colonies, we must consider the nature
of taxation—in whom the right of granting mo-
ney resides—and from whence that right arises.

Taxation is the giving and granting the pro-
perty of the people, by themselves, or by persons
authorized by them, who are called their dele-
gates or representatives. From hence it follows,
that the right of imposing taxes resides originally
in the people, and then in the representative bo-
dy; and that it arises from the delegation of the
people.

The very idea of property involves in it an
exclusive right of giving it by the immediate or
intermediate consent of the possessor. For as
Mr. Locke says, What property can I have in
that which another may take away at his plea-
sure ? It is therefore a fundamental principle
in our constitution, and was, until the reign of
Henry the sixth, the invariable practice of it, that
the property of the people, not one man ex-
cepted, could not be granted but with his own
consent, given by himself or his representative
chosen by himself. It was upon this principle
that until that reign, every man in the kingdom
gave his vote, or had a right to give his vote,
for the election of a representative, on whom

that power was devolved. The seventh of Henry the fourth, made upon complaint of this right having been disturbed, ordains, that all the people shall elect indifferently. Their being residents in the county is the only qualification required. It was not until the eighth year of Henry the sixth, that the possession of forty shillings *per annum*, in any part of the kingdom, was made necessary to give a right of voting; which qualification was, in the tenth year of the same reign, restricted to freehold in the county. It is plain from this, that the writers who have controverted Mr. Locke's position, that, upon the principles of the constitution, "the supreme power cannot take away any man's property without his consent," were either unacquainted as well with the principles as the practice of the constitution, or artfully misrepresented them. This view of our constitution shews also the propriety of that emphatical and brilliant expression of Lord Camden, that—"there was not a blade of grass which when taxed, was not taxed by the consent of the proprietor."

That taxation and representation are constitutionally inseparable, and that it was the fixed principle of government, that the property of the people could be given by their consent only, signified by their representatives, chosen by themselves, appears beyond controversy, both from general considerations, and from a variety of particular proofs, arising from ancient and undoubted records.

The general considerations which support these positions are—That it is an eternal law
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of Nature, so incident to and inseparable from the very idea of property, that no property can exist without it. " Whatever is a man's own, " no other person can have a right to take from " him, without his consent, expressed by him- " self or his representative. Whoever attempts " to do it, attempts an injury ; whoever does it " commits a robbery—he throws down and " destroys the distinction between liberty and " slavery." Nor is this the discovery of Mr. Locke, or the peculiar provision of the English constitution. It was long since set forth by Cicero, in these words, *Hæc sunt fundamenta firmissima libertatis, sui quemque juris retinendi ac demittendi esse arbitrium.* It pervaded every feudal constitution in Europe, and was exercised with as much precision and jealousy by the States of France and the Cortes of Spain, as by the English House of Commons. *Auxilia*, says Bracton, *fiunt de gratia, et non de jure ; cum dependant ex gratia tenantium, et non ad voluntatem dominorum.** Dr. Robertson tells us, " When any " extraordinary aid was granted by freemen to " their sovereign, it was purely voluntary."† And again, " It was a fundamental principle in " the feudal system of policy, that no freeman " could be taxed unless by his own consent."‡ Every one knows, from the most authentic accounts, that in the German constitution, from its earliest date, all the people had a right to be present in their assemblies, and assent to what bound them : *De minoribus principes consultant ;*
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* L. 2. c. 16. † Hist. Charles V. p. 360. ‡ Ib. p. 56.

de majoribus omnes.† Hotoman informs us, that in France it was not lawful to debate on any thing concerning the commonwealth, but in the general council of the states.|| So tenacious were they in Spain of this general consent, that in the Cortes it was necessary every member should give his assent before the act was binding.* And I am well informed, that at this very day, no taxes can be raised upon the free cities of Brussels, Antwerp, &c. even by the Empreſs Queen, without the consent of every individual citizen who is present in the assembly.

To the sacred, eternal, and universal right of giving property, even a tyrant of the north has been obliged to bear his testimony. We have heard the present king of Sweden publicly declare to his people—that to be taxed by others was repugnant to the most precious part of their liberty, which consists in taxing themselves. “To this right,” says he, “of the nation to tax itself, I would have the greatest attention paid, because I am engaged by oath to let my subjects enjoy their liberties and privileges, without any restriction.”

From these external proofs and illustrations of the doctrine, that the consent of the owner is essential to the just disposal of property, so that the supreme power cannot, and never could, in any free state, take away any man's property without his consent; we come now to demonstrate it from the practice of our own constitution.

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† Tacitus || *Franço-Gallia*, c. xi. * *Martil Coths de Arrag.*

It is certain that originally, and before the conquest, the right of being present in the great council of the nation, in which grants, if any, were made, belonged to every freeman in the kingdom. In an ancient record, quoted by my lord Coke, so far back as the reign of Canute, in the year 1030, the parliament is said to have consisted not only of great men, but—*quamplurimis gregariis militibus, ac cum populi multitudine copiosa ; ac omnibus adhuc in eodem parlamento personaliter existantibus, votis regis unanimiter consentientibus, præceptum et decretum fuit.**

The same recognition of the right of assent in every individual, to the disposal of his property, we find thus declared in *Magna Charta*:—

“ And for this our gift and grant of these liberties, and of other contained in our charter of liberties of our forest, the archbishops, bishops, abbots, priors, earls, barons, knights, freeholders, and other our subjects, have given unto us the fifteenth part of all their moveables.”† It was not the supreme power, whether you mean by that the King, or the Parliament, as it is now constituted, nor the representatives of the people in parliament assembled, but the people themselves, every one having a right to be present and consent to the grant or disposal of his property.

Upon the same ground, the King, in the statute *de tallagio non concedendo*, declares, that “ no tallage or aid shall be taken or levied, by us or our heirs, in our realm, without the good-
“ will

* Pref. to the 9th Rep.

† C. 37. Arl. 4.

“ will and assent of the archbishops, bishops,
 “ earls, barons, knights, burgesses, and other
 “ *freemen of the land.*”* And the more ex-
 pressly to shew how necessary the consent of
 every individual was deemed, to the gifts which
 affected his property, the same statute says,
 “ No officer of ours, or of our heirs, shall take
 “ corn, leather, cattle, or any other goods of
 “ *any manner of person*, without the good-will
 “ and assent of the *party to whom the goods be-*
 “ *long.*”

Edward the first, or the English Justinian, was the wisest and most magnanimous of our princes; and as he had too much justice to refuse what he knew to be the inherent right of his people, so he had too much wisdom and courage to be deluded or compelled into a concession which was not strictly constitutional. This statute is therefore deservedly held in great veneration, and is of high authority. M. De Lolme, a very sagacious researcher into the principles of our constitution, calls it, “ an important statute, which, in conjunction with
 “ *Magna Charta*, forms the basis of the Eng-
 “ lish constitution. If it is from the latter,” says he, “ that the English ought to date the
 “ origin of their liberty, it is to the former they
 “ owe its security. If the Great Charter is the
 “ rampart that defends the liberties of every in-
 “ dividual, it is this statute that protects the
 “ Grand Charter itself; and by which the peo-
 “ ple were enabled to make the law superior to
 “ the will of the crown.”†

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* 34 Edw. I. c. 1, 2. † Constit. de l'Angleterre, p. 28.

In the course of time, the acting by deputation, which was adopted for convenience at first, became a settled practice. Still, however, no freeman, of whatever denomination, was denied the right of voting for him who was to signify his assent, or be his representative in parliament, till the reign of Henry the sixth, when that right was restricted to persons having a freehold of forty shillings annual value.* This alteration in the system introduced two kinds of representation; real and virtual. They who retained the right of voting were *really* represented; they who did not vote, but yet were shielded and secured in their portion of property by the electors and elected bearing their proportion in the grants made, were *virtually* represented. Still, however, as the real electors, though greatly circumscribed in number, owned far the greater part of the lay property of the kingdom, the original idea of the grants being made by common consent continued, and governed all the parliamentary forms in voting supplies. The commons are said to give and grant, the King thanks his good people for their benevolence, and the lords are not permitted to originate, alter, or amend a money bill. There is but one instance within my knowledge, in which the house of lords were suffered to violate this rule. This was in the time of Richard the second, wherein the house of commons are said to have assented to an imposition which originated in the upper

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house.

* It may be well questioned (according to the principles of Mr. Locke) whether parliament had any just right to take away from its constituents so essential a privilege.

house. It is true, that on the patent roll, 3 Edward I. and in a variety of other instances, they gave separately, and of their own property; but these are additional proofs how prevalent the idea was, that property could be given only and absolutely by those who owned it.

Lord Clarendon says, the origin of supplies in the commons had never been disputed in the worst of times, and that the lords acknowledged it in 1640.* We are told in the Case stated,† a work known to be written under the inspection of the lords—that the lords say, “as to what concerns their rights and privileges, they pretend not to be the beginners of any charge, to be laid on the estates of the subject, nor to increase or augment any that is already laid by the house of commons. This they conceive to be against the intendment of the law, 9 H. 4. and the practice of parliaments ever since.”

Is it possible that any one can, consistent with common sense, deduce the sole and incommunicable possession of this right of giving and granting by the house of commons, from any other origin than that of their representing the people? This proof, therefore, would be alone sufficient to shew, that both in the principles and practice of the constitution, representation and taxation are inseparable, and that it is not the three estates, but those whom the people elect, who represent them.

But this position is still farther supported by the constant practice of the clergy in convocation.

* V. 1. p. 134. † P. 113.

tion. The clergy were subject to the general controul and superintending power of the supreme legislature ; but parliament never attempted to tax them, while they were represented in convocation, and not in the house of commons. Whenever they contributed to the support of government, they did it by their own consent, signified in their convocation, in which my lord Coke says, they were all by representation, or in person, present.* It appears by the roll of the 4 Rec. 2. N^o 13, 14. that when the house of commons offered to grant an aid, if the clergy would pay one third, as they possessed a third of the realm, the clergy answered—They were not to grant aids by parliament, and therefore willed the commons to do their duty, and they would do theirs. This is in effect the language of America, yet it is idly called a strange new-fangled doctrine.†

From all these general views of the constitution, both in its principles and practice, it appears to be one uniform and inviolable rule, that property could not be given but by consent. Whether that consent was signified in person, or by representation, was a matter merely of convenience. So much so indeed, that every one knows the representatives were formerly paid for their trouble in attending upon the business of the whole. The act of Henry the sixth, which prescribed a qualification for electors, regulated the exercise, but did not abolish

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* 7 Co. 73.

† A doctrine as old as the constitution itself, interwoven in its very stamina, drawn from the first principles of natural justice, and essential to the existence of property.

the right; for there is a manifest and eternal difference between regulating the mode in which a right may be enjoyed, and establishing a principle which entirely annihilates that right. To establish the power of the British parliament to give and grant the property of the people of America, is most clearly to annihilate their right of consenting to the disposal of that property, in whole or in part, in person or by representation.

How far this is consistent with the existence of property, with the principles and practice of all free constitutions, and especially of our own, I have already furnished the reader with the general means of judging. I shall now proceed to shew, that the same principle pervades and governs the particular instances, in which it was necessary that distinct parts of the empire should contribute to the support of government, in doing which their own consent was always deemed indispensable.

In the tenth year of Edward the first, this prince being under a necessity of demanding supplies, applied to his subjects in Ireland, distinctly, to solicit a loan to enable him to carry on the war against Wales.* Unsettled as the state of Ireland then was, the right of granting their own property was considered as so essential to an English subject, that the application was not made to the parliament at Westminster, but to the people themselves, whose money was to be given.

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* Rym. ex Rol. Wall. 10 Ed. i. Leland, v. 1. p. 248.

When the same prince was again in distress, he applied first to the clergy of Ireland, for an additional fifteenth of the spiritualties, and they peremptorily refused to comply with the requisition. The King respected the right of refusing, though the refusal itself was so grievous a disappointment to him. He therefore neither called in the absolute power of his English parliament, nor of his army, to enforce the requisition, but applied to the laity of Ireland, from whom he received more satisfaction. Dr. Leland tells us, that "after some altercation and delay, they granted him a fifteenth of their effects."* Thus this magnanimous prince, well satisfied that it was the inherent right of an English subject, not to have his property taken from him, but by his own consent, given by himself or by his representative chosen by himself, whether that subject was in England or Ireland, he applied to him or to his representative for the supplies which were to arise out of his property.

But we find the inseparable connection of representation and taxation still more irrefragably proved, in the reign of Edward the third. I will state the transaction in the words of Dr. Leland. It is distinguished and decisive.

"The parliament of England grew uneasy
 "under the burthen of supporting the King's
 "Irish dominions; they remonstrated; they
 "solicited that strict enquiry should be made
 "into the deficiencies of the royal revenues in
 "this realm. The King was no less impatient
 "to

* Leland, p. 251.

“ to find any part of the supplies destined to
 “ his military service, diverted to a purpose
 “ which he deemed of much less moment, the
 “ support of a disordered government in Ire-
 “ land. An agent, called Nicholas Dagworth,
 “ was dispatched into this country : his in-
 “ structions were to represent the necessities of
 “ the crown, and the grievous deficiencies of the
 “ Irish revenue ; to convince the King’s mi-
 “ nisters of the necessity of exerting themselves
 “ for the interest of their royal master. It was
 “ particularly directed that an Irish parliament
 “ should be convened without delay, for the
 “ purpose of granting such a liberal subsidy, as
 “ should provide not only for the exigences of
 “ their own state, but for the assistance of their
 “ sovereign in his foreign wars. The parlia-
 “ ment was assembled ; *they pleaded the poverty*
 “ *of the realm, and refused the supplies.* Ed-
 “ ward was provoked ; he issued his writs of
 “ summons both to the clergy and laity. The
 “ bishops were commanded to chuse two of
 “ the clergy in each diocese ; the commons to
 “ chuse two laymen in each county, to repre-
 “ sent the lords and commons in that county ;
 “ the cities and boroughs, in like manner, each
 “ to elect two citizens and burgesses. The
 “ assembly was directed to repair to the King
 “ in England, to treat, consult, and agree with
 “ him and his council, as well on the govern-
 “ ment of the land of Ireland, as the aid and
 “ support of the King’s war.”

We have the answers of the archbishop of
 Armagh, and of the county of Dublin, to this
 sum-

summons distinctly recorded. “ We are not
 “ bound, said the prelate, agreeable to the liber-
 “ ties, privileges, rights, laws and customs of the
 “ church and land of Ireland, to elect any of our
 “ clergy, and to send them to any part of Eng-
 “ land, for the purpose of holding parliaments or
 “ councils in England ; yet on account of our
 “ reverence to our lord the King of England,
 “ and the now imminent necessity of the land
 “ aforesaid, saving to us, and to the lords and
 “ commons of the said land, all rights, privi-
 “ leges, liberties, laws and customs before-men-
 “ tioned, we have elected representatives to
 “ repair to the King in England, to treat and
 “ consult with him and his council ; except,
 “ however, that we do by no means grant to
 “ our said representatives any power of assenting
 “ to any burdens or subsidies to be imposed on
 “ us or our clergy, to which we cannot yield,
 “ by reason of our poverty and daily expence
 “ in defending the land against the Irish enemy.

“ In like manner we find the county of
 “ Dublin at first elected their representatives,
 “ without power or authority to consent to the
 “ imposition of any burdens. The King com-
 “ plained of the election as insufficient and irre-
 “ gular, and the sheriff was directed to make
 “ another return, in presence of the treasurer and
 “ chief justice of the King’s-bench. Difficulties
 “ were started and delays contrived ; at length
 “ the nobles and commons, unanimously and
 “ with one voice declare, that, according to the
 “ rights, privileges, liberties, laws and customs
 “ of the land of Ireland, enjoyed from the time
 “ of the conquest of the said land, they are not
 “ bound

“ bound to send any persons from the land of
 “ Ireland to the parliament or council of our
 “ lord the King, in England, to treat, consult,
 “ or agree with our lord the King in England,
 “ as the writ requires. Notwithstanding, on
 “ account of their reverence, and the necessity
 “ and present distress of the said land, they have
 “ elected representatives to repair to the King,
 “ and to treat and consult with him and his
 “ council, reserving to themselves the power of
 “ yielding or agreeing to any subsidies. At
 “ the same time protesting that their present
 “ compliance is not hereafter to be taken in pre-
 “ judice to the rights, privileges, laws and cus-
 “ toms, which the lords and commons, from
 “ the time of the conquest of the land of Ireland,
 “ have enjoyed.

“ What was the result of this notable con-
 “ troversy between Edward and his subjects of
 “ Ireland, or whether or how far the King’s ne-
 “ cessities were supplied, we are not distinctly
 “ informed. It only appears, that the Irish re-
 “ presentatives sat at Westminster, and that their
 “ wages were levied on the diocesses, counties
 “ and boroughs which had chosen them.”*

The unquestionable conclusion from this re-
 cord is, that to give and grant the property of
 English subjects, in an assembly wherein they
 were not present in person or by representation,
 was deemed so unconstitutional, that no necessity
 could prompt or justify it. The parliament at
 Westminster did not consider this doctrine as
 repugnant to their rights, or trenching upon
 their

their authority ; though they were by no means disposed to yield any of their privileges to the crown, or permit an illegal exertion of the prerogative. This record is also a proof that the sole right of giving was so inherent in the owner of property, that the people at large might delegate it in whole or in part ; might restrain it entirely, or reserve to themselves the controul of consenting to the grant of their representatives, to give it final efficacy. It appears too, from the writs issued upon that occasion, that every person concerned, without any farther qualification in the conduct of the representatives, was to give his voice in electing them. The words of the writ are, *Archiepiscopis, episcopis, vice-comitibus, senescalles, majoribus, superioribus & præpositis, ac omnibus aliis ejusdem terræ quorum interest, ad electionem hujusmodi duarum personarum, in Angliam in forma prædicta transmittendarum, faciendam.**

In tracing the history of the Irish parliaments, we find they not only knew their right of granting money, but how instrumental it was in obtaining a redress of grievances. In the reign of Henry the fifth, they accompanied the grant with a representation of grievances.† In the year 1585 the ordinary subsidy bill was rejected by the commons of Ireland ; the reason appears to have been a complaint of grievances, and an apprehension of more, especially of oppressive and extraordinary taxation.‡ Queen Elizabeth, during whose reign this happened, had too much
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* Appendix to Leland's hist. p. 365. † Leland, v. 2, p. 13.

‡ Leland, v. 2, p. 196.

spirit to have acquiesced in this refusal, could she or any one about her have conceived that the intervention of her English parliament might grant the subsidy out of the property of the people of Ireland, without the most flagrant violation of their constitutional rights. Neither is it probable that the Irish commons would have hazarded such a measure of opposition, had they imagined themselves liable to be taxed in the English parliament, and thereby deprived of this means of enforcing a redress of grievances. In the reign of James the first, we find them restored to good humour by conciliatory measures; and then they granted a liberal subsidy with so much alacrity and zeal, that the King returned them thanks, in a flattering letter addressed to the Lord Lieutenant.* Charles the first, and his favourite Wentworth, tried every art to persuade them to make liberal and permanent grants; the threat of interposing the King's prerogative was added. Under the influence of promises and fears, the commons made a grant of four entire subsidies.† Neither the King nor his deputy were sincere, the graces they promised were not granted; the commons therefore contrived a method of frustrating the collection of the subsidy, and the civil wars which soon followed put an end to all further requisitions.

I have been more particular in stating these facts with relation to Ireland, because it is impossible to find a case more exactly similar to that of America. They were both conquered countries, peopled by English subjects. Yet in all the

* Ibid, p. 457. † Irish Journ. 1649.

the agitation of necessity and passion, and the various expedients it produced, that of imposing taxes upon Ireland in the English parliament was never attempted. There are however some differences in favour of America. In the former, the conquered people and the English were in some measure intermixed; in the latter, they were and still continue totally distinct. The English subjects who settled in Ireland carried with them their rights, not expressed but latent; whereas those of the American settlers were confirmed by charters. I am far from thinking that charters create rights; they are inherent in and unalienable from the person of the subject. Allegiance and protection in these rights are a mutual compact between the prince and the people. As emigration does not dissolve allegiance, neither can it divest rights: they involve each other, and are inseparable. But so solemn a recognition and confirmation of them, as charters under the great seal of a kingdom manifest, renders the violation of them still more conspicuous and criminal. From the history of Ireland we learn another difference, which is, that taxes were levied in England to defend and protect that country for some time after its settlement; whereas all the old colonies in America were settled, and the wars carried on with the natives, solely at the expence of the settlers themselves; this country bearing none of the burthen, but reaping infinite benefits from the settlement. Canada, Florida, and Nova Scotia, are exceptions to this; but they are acquisitions obtained from France and Spain,

which belong therefore to this country, and will soon repay with interest the supplies which have been voted for them.

As it was therefore most clearly considered, that English subjects emigrating to and settling in Ireland, tho' a conquered country, were not liable to be taxed by the English parliament, it seems strange to contend that the same subjects settling in America were liable to such taxation. The supreme power of this parliament has been always asserted and frequently exercised over Ireland; the right of giving and granting their money for the purposes of a revenue, never. Who is it that can point out a difference adequate to so great a diminution of English liberty in the person of him who emigrates to America, as that he shall not only be subject to the supreme power of the British parliament, but to be taxed where he is not represented.

Now it is not only impossible, I conceive, to give any plausible reason for this distinction, but it is clear that no such idea was ever seriously entertained till the year 1764. What can be a more, decisive proof of this, than that the people of America have always chosen representatives of their own, and that the crown has constantly applied to those representatives for the supplies which were wanting? If the settled, notorious, invariable practice of government, be not evidence of the constitution, from whence are we to learn it? If it had not been consistent with the constitution, and essential to the free state of an English subject, that he should chuse representa-

sentatives who only should impose taxes upon him, how did it happen that both in Ireland and America our colonists, without any special law to direct it, from their earliest infancy chose such representatives, who have always exercised that authority? Had this been illegal, surely the crown would not have encouraged it, by constantly making requisitions thro' its governors, and giving assent to laws imposing taxes by the authority of provincial assemblies, nor would parliament have permitted a practice, which makes those assemblies coequal with themselves. It is, I apprehend, most undeniable, that either parliament has no right to impose taxes upon the people of Ireland and America, or they have the sole right; for nothing can be so absurd as to suppose a people subject to two taxing powers, not communicating with each other, not knowing what each other are doing; in consequence of which the people might be burthened with a double tax upon the same thing, so as to be productive of perpetual confusion and distress. This would plainly be such an inconsistency in politics, as would render government at once ridiculous and oppressive. The assertion therefore at this day, of the right of parliament to impose taxes upon Ireland and America, involves in it the highest criminal charge against all those who have for centuries been active or acquiescing in the imposition of taxes upon the people of those countries, which according to the modern doctrine, the authority of parliament only could impose. If they justify by pleading that they

they were the representatives of the people whose money they granted, the admission of that plea will defeat the pretensions of parliament, who do not represent them. †

That representation and taxation were ever deemed inseparable, the following copy of a petition from the county Palatine of Chester, in 1450, is an eminent proof.

“ Most christian, benigne, and gracious King,
 “ we your humble subjects, and true, obaisant,
 “ liege people, the abbots, priors, and all the
 “ clergy, your barons, knights and esquires,

† There is a solemn resolution of the house of commons, that no tallage, loan, benevolence, or other like charge, ought to be commanded or levied by the King or any of his ministers, without common consent of parliament. If it had been imagined that this resolution concluded to all the subjects of the empire, if an idea had been entertained, that the consent of parliament involved in it the consent of Ireland or America, what minister would have ventured to advise the King to ask money from the commons of Ireland and of America, and to have levied it upon the people by the authority of their legislatures? Every minister who gave such advice, would have hazarded his head; no parliament would have endured so open a violation of its rights and of the constitution. But no such supposition ever entered into any man's head, and therefore, it has been the established and unimpeached practice, ever since the foundation of our dominion in those countries, for the King to make requisitions for supplies to their representatives, and levy taxes by the authority of their legislatures. The instances of this are innumerable. It has been done by every minister, at all times, and in every reign. It has been repeatedly announced with regard to America, to the house of commons, in the King's messages, without question or complaint. It remained for the new-fangled doctrine of this day to maintain that America was represented in parliament. A doctrine involving consequences which they who broached it were far from foreseeing. It would devote their dearest connections to impeachment, and brand the memory of every minister who preceded, as a traitor to the constitution of his country,

“ and

“ and all the commonalty of your county Pa-
 “ latine of Chester, meekly prayen and be-
 “ seechen your highness—Where the said coun-
 “ ty is and hath been a county Palatine, as
 “ well before the conquest of England as con-
 “ tinually since, distinct and separate from the
 “ crown of England; within which county
 “ you and all your noble progenitors, sithen it
 “ came into your hands, have had your high
 “ courts of parliament—and no possessioners or
 “ inheritors within the said county be not
 “ chargeable or liable, nor have not been
 “ bounden, charged, nor hurt of their bodies,
 “ liberties, franchises, land, goods nor posses-
 “ sions within the same county, but by such
 “ laws as they have agreed unto—and also they
 “ have no knights, citizens, na burgesles, na
 “ ever had, of the said county, to any parlia-
 “ ment holden out of the said county, whereby
 “ they might in any way of reason be bounden—
 “ which franchises, notwithstanding there be
 “ your commissions directed out to several com-
 “ missioners of the same county, for the levy
 “ of subsidy, granted by the commons of your
 “ land, in your parliament late begun at West-
 “ minster and ended at Leiceſter, to make levy
 “ thereof within the said county, after the form
 “ of their grant thereof, contrary to the liber-
 “ ties, freedoms and franchises of the said coun-
 “ ty and inheritance of the same, at all times
 “ before this time used, that please your noble
 “ grace, of your noble favour, the premises
 “ graciously to consider, and hereupon to dis-
 “ charge all such commissioners of levy of the
 “ said

“ said subsidy within the said county, and of
 “ your special meer grace, ever to see, that
 “ there be never act in this parliament, nor in
 “ any parliament hereafter holden out of the
 “ said county, made to the hurt of any of the
 “ inheritors or inheritance of the said county,
 “ of their bodies, liberties, franchises, goods,
 “ lands, tenements or possessions, being within
 “ the said county. For if any such act should
 “ be made, it were clean contrary to the liber-
 “ ties, freedoms, immunities, and franchises of
 “ the said county, &c. &c. &c.”

A N S W E R.

“ The King's will is, to the subsidy in this
 “ bill contained—Forasmuch as he is learned,
 “ that the beseechers in the same, their prede-
 “ cessors nor ancestors, have not been charged
 “ afore this time, by authority of any parlia-
 “ ment holden out of the said county, of any
 “ quindisma or subsidy, granted to him or any
 “ of his progenitors in any such parliament,
 “ that the beseechers and each of them be dis-
 “ charged of the paying and levy of the said
 “ subsidy, &c. &c. &c.”

This petition and answer require no com-
 ment: they plainly recognize, that to impose
 taxes where the right of doing it is not dele-
 gated, was unusual and unconstitutional. The
 same principle operated in forming acts of
 the legislature for representatives to be sent from
 Wales and the county of Durham to the Eng-
 lish parliament, and on the crown to issue writs

to

to Calais for the same purpose, when it became a part of the empire. It was invariably conceived, that the property of English subjects, connected with the general dominion, could not be granted but in an assembly where they were represented. Upon this principle our constitution manifestly stands; and to subvert the one, would in effect be to overthrow the other. The practice of every free state, especially of England; the practice of Ireland, Chester, Wales, and Calais, as members of the empire; the constitution of the church, and the very nature of property, all conspire to shew, that this principle is the essential right of the subject in every part of the dominion. The right of property is the guardian of every other right, and to deprive a people of this, is in fact to deprive them of their liberty.

Let me now have leave to shew, that these have been invariably the sentiments of those great men, whom we allow to be the best acquainted with our constitution, and its firmest defenders.

"I will begin," says Sir Edward Coke, "with a noble record—it cheers me to think of it, the 26th of Edward III. It is worthy to be written in letters of gold—"Loans against the will of the subject, are against reason and the franchises of the land."—What a word is that *franchise*! The lord may tax his villain, high or low, but it is against the franchises of the land for freemen to be taxed but by their own consent."

The reasoning of Mr. Locke is so clear and conclusive, and his authority so great, that it is

not necessary to give the words of Sidney and Milton, whose opinions were precisely the same.

"The supreme powers cannot," says Mr. Locke, "take from any man any part of his property, without his own consent. For the preservation of property being the end of government, and that from which men enter into society, it necessarily supposes and requires that the people should have property, without which they must be supposed to have lost that by entering into society, which was the end for which they entered into it—too gross an absurdity for any man to own. Men, therefore, in society having property, they have such a right to the goods which by the law of the community are theirs, that nobody hath a right to take their substance, or any part of it, without their own consent. Without this they have no property at all: for I truly have no property in that which another can of right take from me, when he pleases, without my consent. Hence, it is a mistake to think that the supreme or legislative power of any commonwealth can do what it will, and dispose of the estates of the subject arbitrarily, or take any part of them at pleasure."*

It is impossible an express advocate for America could speak more explicitly to the point, and Mr. Locke's argument is evidently founded on the statute *de tallagio non concedendo*, which declares, that the goods of no manner of person shall be taken, without the good will and assent of the party to whom the goods belong; and upon

* On government, fol. p. 197.

upon a solemn resolution of the house of commons, which maintains that the ancient and undoubted rights of every freeman are, that he hath a full and absolute property in his goods and estate, and that no tallage, loan, benevolence, or other like charge, ought to be commanded or levied by the King, or any of his ministers, without common consent in parliament.† I have already shewed, that it never was the idea that the common consent of America was given in the parliament of England; the term did not even include the clergy, who never were taxed in it till they were represented; and who told the commons, in the record I before cited, that they were not to be taxed there; to which the commons assented. The doctrine was held neither novel, insolent, nor unconstitutional; and the practice was uniform, notorious, and uncontroverted.

Taking up then the American question on this constitutional ground: either the Americans are not freemen, or to impose taxes upon them in parliament, in which not one of them is represented and therefore cannot give his consent, is to divest them of all property, and dissolve the original compact upon which, according to Mr. Locke, they entered into society. These considerations mark the propriety of what my Lord Camden urged with so much real eloquence, in his unanswerable speech against the declaratory bill. “ My position is this—I repeat it—I will maintain it to my last hour—Taxation and representation are inseparable. This position is founded

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† Com. Journ. V. 1. p. 878.

“ founded on the laws of nature. It is more—
 “ it is itself an eternal law of nature. For
 “ whatever is a man's own, is absolutely his
 “ own—no man has a right to take it from him
 “ without his consent. Whoever attempts to
 “ do it, attempts an injury—whoever does it,
 “ commits a robbery; he throws down and
 “ destroys the distinction between liberty and
 “ slavery.”

Upon these principles our own constitution
 stands; upon these principles the American claim
 is founded. If they are fallacious, then were
 our own claims usurpations upon the crown,
 and the glorious revolution itself was nothing
 more than a successful rebellion; Hampden,
 Pym, Sidney and Russel, than whom Greece
 with all her patriots, and Rome with all her
 heroes, produced no men who trod this mortal
 stage with more dignity, or quitted it with
 greater lustre, were sturdy traitors. Surely
 those pretensions cannot be just, which so mani-
 festly subvert, in principle, the foundation of our
 constitutional liberties!

That this claim and right of giving their pro-
 perty by their own consent, signified by their re-
 presentatives, is not novel, but coeval with their
 existence as colonies, will fully appear from the
 following proof.

In 1620 the colony of Virginia, then in its
 very infancy, chose representatives, by whom only
 they have been taxed from that time till 1764.
 It was not by charter that they established and
 enjoyed this privilege, but by the operation of
 those rights which are inherent in English-
 men,

men, in whatever part of the dominion they inhabit. The same plan of government was pursued in every colony in America. In truth, an Englishman had no idea of any other constitution, and always considered it as the basis of public liberty.

In 1625 king Charles the first signified his intention of substituting a governor and council as the legislature in Virginia. Upon this a general disquietude and dissatisfaction prevailed through the colony. The assembly remonstrated against it, as "an assault upon their rights and privileges." In consequence of this, the privy council at last sent them a letter, dated the 22d of July, 1634, containing the royal assurance and confirmation of their estates, trade, freedom and privileges. Upon the dissolution of monarchy, the commonwealth dispatched a governor with a squadron to take possession of Virginia. He was permitted to land upon articles, of which the following is one, and decisively shews what were their original ideas of their rights. *Article fourth*, "Virginia shall be free from all taxes, customs and impositions whatsoever, and none shall be imposed on them without consent of the general assembly."

The assembly of New York, in 1708, resolved, "That it is, and always has been, the unquestionable right of every freeman in this colony, that he hath a perfect and entire property in his goods and estate. That the imposing taxes, and levying of any monies upon her majesty's subjects of this colony, under any pretence or colour whatsoever, without consent in general assembly,

fembly, is a grievance, and a violation of the people's property."*

Thus we see, that this right of giving their money by their own consent alone, has been always claimed, asserted, and exercised by the Americans; and that the crown and parliament as constantly recognized the exercise of it, till the year 1764. Let the right therefore reside really where it will, it is very clear that the novelty of claiming it is on our side: but if the uniform claim and exercise of a right, with our as uniform recognition and acquiescence for one hundred and fifty years, will not render it clear and unimpeachable, I know not by what lapse of time, or by what circumstances, the enjoyment of any privilege can be rendered sacred and secure. It is plain that there was no period of their existence at which the colonies would not have reclaimed against an attempt to raise taxes upon them without the consent and grant of their representatives. With what truth then can the present opposition to it be imputed to a spirit of disaffection, and a desire to throw off all dependence upon the parent state? That dependence and subordination would remain the same that it ever was or ought to be, were the exercise of this novel, odious, and unprofitable claim disowned and abolished. There is a most material difference between a subject and a slave; between subordination and slavery. The Americans are subordinate, when we controul them, for our own advantages, in the means of acquiring property; when we add to that the practice

* Smith's History of New York, p. 115.

practice of taking the property so acquired at our pleasure, they are slaves. What right have we, or can we have, to make them slaves? In my opinion we shall lose them as subjects by attempting to hold them as slaves. When that happens we shall be compleatly undone.

There are however some arguments against the position, that property can only be taken by consent, which are plausible, and have had such an effect as makes them worthy of examination.

It is said, that a great part of the people of England are not represented, and yet they are all taxed. This is granted: but how will it conclude to America? Because our representation here is imperfect, therefore it shall be abolished in America—because some in England are taxed without their consent, therefore all in America shall be treated in the same manner. The Americans are not contending that every man in America shall vote for a representative, or not be taxed; if they were, this would be a good answer, “We are ourselves but partially represented; why should the subordinate require more security than the supreme state?” But to the American question this argument is utterly inapplicable. The security of property, as Mr. Locke and common reason tell us, is the great end of representation. It is equal enough when that end is obtained. Now from the participation of the elected and the electors with the non-electors in the taxes which are imposed, the latter, as I before observed, have a virtual security, which is equal to that of those who do
elect :

elect : but in the case of the Americans there is no such participation, and consequently no such virtual security ; nay, on the the contrary, as the givers of the money of the Americans (suppose them to be the British house of commons) save their own property and that of their constituents exactly in proportion to their lavishing that of the Americans, there is a temptation to extortion and extravagance, and therefore a virtual insecurity of property, which is overturning the very foundation of government. If, for example, a tax is laid on Manchester, Birmingham and Sheffield, the same is borne by London, Bristol and York ; but let Boston, New York and Philadelphia be taxed, will London, Bristol and York share in the burthen of the imposition ? The real situation of the unrepresented in England, and the people of America if subject to the same power of taxation in the British parliament, would be just as different as security and insecurity, or right and wrong.

We are next told, that parliament being the legislature, its acts must bind in all cases whatsoever ; that no line can be drawn, and therefore parliament has a constitutional right to impose taxes.

Before parliament has constitutional powers, it must be constitutionally formed. There is no magic or efficient power in the word which can give it that power ; it must be in part constituted by the people over whom its laws have sway in all cases whatsoever, or else it is not a constitutional power. With respect to Great Britain, it is so constituted ; with regard to America,

America, it is not; its power therefore cannot or ought not to be the same over both countries. The delegation of the people is the source of that power, most especially in point of taxation. That delegation is wanting on the part of America, and therefore the right cannot exist. It is true that the authority of the legislature makes laws for the levying money upon the subject: but unless the gift be previously made by the representatives of the people, there is nothing on which the act can work: the gift must be made first and distinct; the law comes after to prescribe the mode of levying it. The representatives are the sole source of the gift, the legislative act is the completion of it; but without a beginning there can be no end. It is therefore a position founded in the essential principles of the constitution, that "the supreme power, however it may make laws for regulating the state, cannot take the money of the people without their consent."*

The subsidies of the clergy, and a general pardon, will fully illustrate this. The houses of the legislature can alter nothing in them, and yet they give their assent to passing them into laws. But the things themselves on which the laws are founded are eccentric to parliament; they have their motion in another sphere: the convocation gives the one, the King of his free grace bestows the other: the parliament gives them only the force of laws, and may chuse in that, when they are prepared to their hands; but with the things themselves it cannot meddle, to originate or modify them.

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* Locke.

Any other mode of applying the power of the legislature to the levying of taxes is not constitutional, but arbitrary. It is confounding the principles of the constitution in the jargon of words, to say that parliament, because it is the supreme power, must therefore have a right to impose taxes upon the people, whether they are represented in it or not. Such a parliament would only be a plausible and powerful instrument of arbitrary power.

I shall close this question of right by observing, that as the power of giving is the great security of our liberties, so it is the only one which the Americans enjoy. Deprived of this, their situation would be desperate. Exposed to that jealousy which thousands are perpetually endeavouring to stimulate against them—without any power or means to counteract or resist its effects—they would be at the mercy of every informer, of every governor, minister, and member of parliament. Whatever was moved against them would meet with no opposition; whatever was charged upon them would be received without question or enquiry. They would not only be slaves, but the most miserable of all slaves. In vain would they say, What is the freedom, what are those british privileges to which our charters have told us we are intitled? Where are those rights we have possessed above an hundred years ago, which we derived from solemn compact, which we have purchased by the restraint of our trade, by our acquisitions under those restraints, emptied into your lap as the great mart of our
pro-

produce and of our consumptions, by fraternal attachment and unshaken allegiance? These were the price we paid for your friendship and your protection: but you have now left us nothing to pay, nothing to be protected.

Upon the whole of this question, it seems most manifest, that it is the ancient, undoubted right of English subjects, being freemen or freeholders, to give their property by their own consent only, signified by themselves or their representatives—That the right of giving money, and the right of making laws, are and ever were separate and distinct; the one residing in the representative, the other in the legislative body—That the house of commons claim and exercise the sole and incommunicable right of granting the money of the people of Great Britain, because that house alone represents them—That the house of commons ought not to claim or exercise such a right over the people of America, because that house does not represent them—That to levy taxes upon the people of America, by the authority of the British parliament, in which they are not represented, is unconstitutional; deprives them of the right of Englishmen, and reduces them to a state of absolute villanage.

From the consideration of the *right*, we come next to that of the *policy* of raising a revenue in America by the British parliament.

Is it practicable?—Is it profitable? Upon these points the policy must turn. To raise a revenue upon a distant and dispersed people universally in opposition to it, by an authority, questionable at least upon the soundest princi-

ples of the constitution, and in fact denied—
 Is this practicable? “ Oh, certainly,” says an advocate for this mode of government, “ have we not a superior force, have we not fleets and armies to compel their obedience?” Be it so—
 But will the revenue pay the expence of this collection? If it will not, how is it to be profitable? One hundred thousand pounds per annum is the utmost that the most extravagant imagination ever expected from the taxation of America. Ten ships and as many regiments have not collected a twentieth part of it: double your force, and suppose it to collect the whole; your expence will at least treble your collection. My suppositions are extravagantly favourable to the coercive side of the question, and yet the conclusion is inevitably against it. Are these ways and means to answer the demands of a nation, sinking, as it is said, under its debt and its establishment?

But let us give this doctrine of force and of coercion its utmost effect. Let us suppose, that under a conviction of their inability to resist the whole force of Great Britain in a time of profound peace, every colony, every assembly, were to acknowledge your right, and promise implicit obedience, could you trust this acquiescence? Could any man be so weak as not to perceive, that they were reserving their resistance, till the time of war and the necessary avocation of our force should ensure its success?

Is there any man in his senses, who can seriously imagine we shall remain in peace for five years. Three young monarchs upon the principal

Principal thrones of Europe ; two old ones looking with hatred and revenge against us. Is this a state in which a continuance of peace is to be expected ? To give the advocates then for compulsion their utmost wish, what is it but to obtain an uncertain advantage for some years, at the hazard of our ruin or humiliation for ever after ? Let any man who has the least idea of the difficulties of conducting a war against the house of Bourbon and its allies, inform us, what wisdom, what resources could save this country from ruin, if in the emergency of such a war our American colonies should unanimously revolt from all obedience, and reject all commerce with us. Who is it that thinks we could survive such a stroke ? And yet this coercive policy is rendering it inevitable as fate. Of the disposition of the Americans to resist our authority as of late extended, which they think utterly unjust, there cannot be a doubt. If they suspend the efforts of that disposition, it can only be in their wisdom, to watch the most favourable moment. That of our being hard pressed in war is plainly such. The most dangerous conduct, therefore, for us, would be their acquiescence ; yet we should certainly see the ideots who are conducting these measures, triumph upon the receipt of such accounts from America. Lord North would be held up as the wisest and the most spirited minister that ever existed, and he would snuff up the incense of this adulation, in the very sincerity of his vanity and folly. But it is neither Lord North nor his flatterers who will stand forth when the storm

storm rages, to shield us from the ruin their want of wisdom and of justice will bring upon us.

We have seen what would be the probable consequence of an acquiescence on the part of America, how dangerous, how fatal to us. Let us take another view of it. Let us suppose the Americans determined to resist our attempts to impose upon them this tribute. It will be inconsistent with our dignity to retract. The wisdom, the justice, the utility of persevering—these are all out of the question. Lord North will have America at his feet. They are his very words. Who says Lord North is not a bold speaking minister? To gratify him, let us see if we can compel the Americans to absolute obedience—How we can is doubtful—that we cannot, without ruining ourselves, is certain.

I acknowledge, I admire, even to enthusiasm, the bravery of our troops; what men can do, they will do: but in a country furnished with fastnesses and defiles without number, intimately known to the enemy you are to combat, where discipline is unavailing or embarrassing, and valour useless; it requires more than human power to succeed to any permanent purpose. God forbid that the bravery of such troops as the English, should be so vainly, so fatally employed. Let us suppose it true, as some vain-glorious military men have vaunted, that with four regiments you might march from one end of the continent to the other—What would this exploit avail you? The moment you quit one province for another, the commotions your presence suppressed will revive. When you have

ve marched through, you will have to march back again. But such bravadoes are contemptible. The man who is most forward to advise, is least fit to execute such arduous enterprises. Nor would the execution answer any other purpose, but that of pluming an individual at the expence of his country. They who remember the fatal overthrow of Braddoc by a few Indians in ambush, an overthrow incurred by the very discipline in which he vainly put his trust, will be apt to doubt the facility of reducing the colonies by military force. Difficult however as the reduction of our colonies may be, the preserving them in obedience to such a government would be infinitely more impracticable. But in the mean time, while our troops are employed in slaughtering the Americans, who is to cultivate the lands in America? Who is to furnish the gross materials of our commerce with them? Who is to consume the manufactures, and maintain the manufacturers to whom that commerce was daily bread? The wise ministers who planned these measures have surely provided for this. The necessity of such foresight could not possibly escape them: but what that provision will be, passes my understanding. I am, however, much afraid it will not be quite substantial enough to feed numbers who will be necessarily idle.

The naval stores, the iron, the indigo, the tobacco, the flax seed, which the labour of the Americans furnishes us, are we able to subsist without them, or to procure them from other nations? Have we forgot the humiliating terms
to

to which Sweden attempted to reduce us? Our recourse then was to America. She supplied us, and removed that dependence, which would otherwise have left us at the mercy of foreign nations. When our wise measures have stopped up the American channel of supply, what will shield us from the exorbitancy of Sweden and Denmark? Naval stores are necessities; if we restore the monopoly of them, we must take the consequences of our folly. Until South Carolina and Georgia supplied us with indigo, we paid annually to our enemies, the French, 200,000*l.* in specie, for this article, so essential to the existence of a variety of important manufactures. We offered a bounty upon it. The Americans supplied us not only for our own consumption, but for foreign markets.* Instead of specie, they take in return our manufactures, loaded with all our taxes; If the policy which encouraged this commerce was wise, that which stops it must be foolish.

The duty upon tobacco brings into the revenue at least 400,000*l.* per annum. By what ways and means will this deficiency be supplied? The profit to this kingdom, upon the confinement of this article alone to the ports of Great Britain, and the returns for it in British manufactures and merchandize, amounts, at the lowest computation, to half a million yearly, exclusive of the duty. I shall be glad to know how this loss will be compensated. I will not enter into the thousand little streams of our American commerce, which all combined form a noble

* See Anderson's Dict. of Commerce.

noble river, that nourishes the navy, the manufactures, the fields of England; and maintains her upon that eminence of grandeur and glory, to which she is exalted. The value of the whole is incomputable. But I shall not think the detail necessary, till I see it rendered probable that this extorted American revenue will reimburse us for the loss of any one of these articles, indigo, tobacco, or naval stores.

Upon the supposition then, that in consequence of the measures we have lately adopted, unexampled in their rigour, unexampled in the violence and injustice with which they were conducted, America should be driven into real resistance; what will be the consequence? Our commerce, our navy, our revenue, our trade, our manufactures, will receive immediately a dangerous if not a fatal blow. But we shall be avenged! Our disciplined troops will put them to the sword, and destroy their plantations; our navy will burn their cities and their trading vessels. Alas, these would be fatal victories! These are the men whose industry and labour furnish the materials of our best commerce, the supply of whose consumption gives life to our manufactures; these are the plantations, the harvests of which we ultimately reap: these are the cities which are the reservoirs of an infinity of streams of trade, the profits of which are at last emptied into the lap of Great Britain. Were these men, these plantations, these cities trebled, the profits would centre in Great Britain, and add so much more to her strength and opulence. To diminish, to destroy them—

it is mischief irreparable, it is madness in the extreme; yet it is the inevitable consequence of the whole system of American measures, since the present reign.

We have thus seen the probable issue of hostile measures towards America. If we succeed, we are ruined. If we do not succeed—if by those extraordinary exertions which have often proceeded from people contending for their liberties, or by any of those accidents which have frequently decided the fate of battles and of empires, taking the victory from the strong and the race from the swift, we should be repulsed, to what a state of humiliation shall we be reduced! Such is the insuperable absurdity of the measure, that whether victors or vanquished we are sure of being sufferers.

I have not said a word about the intervention of other powers. Our wise ministers will tell us, this is improbable. There is not a part of the world upon which France looks with a more attentive eye than upon America. There is not the smallest event, relative to our proceedings towards the colonies, of which they are not minutely informed. If they should be idle spectators of such a contest, it would be one of the most extraordinary events that ever happened. No folly, less blind than that which formed these measures against America, would hazard such a supposition.

In every view of our proceedings against America, we see them unwise, perilous, and unprofitable. If passion and prejudice have not totally taken place of reason and
 en-

enquiry, let the planners of this system shew us what they rationally expect from it. The most confidential men have repeatedly declared, in both houses of parliament, that a revenue is not the object. Lord Mansfield will not deny his declaration at least, and there is an host in him. In truth, whether this was meant in good faith or not, it is most veritable. No adequate revenue will ever be obtained from thence by forcible means. To what purpose then are we hazarding so great a stake as the commerce of this kingdom and the peace of America? Is it that the Whig principles are odious at court? Is it that the spirit of the revolution, which animates them, is hateful to every man who has abandoned the once loved Cocoa-tree, for the more auspicious closet?—Is it that a serious system of slavery has ascended the back stairs, the first line of which is to subjugate America? One would be very apt to suspect this, had we not the royal assurance that his majesty has no interest, can have no interest, separate from that of his people. A system of slavery can never be the interest of his people: but a little Popery, a little arbitrary power, French law, French religion, French government, and in America only—there can be no harm in that; there is no wind can blow them over to England; and if such an accident should happen, there will be honest men enough found to persuade us there is no harm in that either. One is always happy to see declarations so well supported by actions; and if it were possible to doubt the sincerity of the royal word, the

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Quebec bill, would make us blush at our suspicions.

The people are interested ; it is to them I speak. There is no feeling for their interests, either in the cabinet or in parliament ; their representatives sacrifice every thing to their own pride and profit ; it now only remains with them, as the last resource, to insist on their representatives procuring a retraction of those foolish and arbitrary measures which have thrown all America into confusion, and threaten the utter ruin of the most valuable commerce we possess. The taxation of America may provide places and pensions for the tools and dependants of a minister ; but it never can relieve our national distresses, nor even compensate for the expence of carrying it into execution. The produce of American labour is spent in British manufactures ; the balance of trade is greatly against them ; whatever you take directly in taxes, is in effect taken from your own commerce. If the minister seizes the money with which the American should pay his debts and come to market, the merchant and the trader cannot expect him as a customer ; nor can the debts already contracted be paid. This is cutting up commerce by the roots : it is like the folly of a young man who takes from the principal of his estate to supply his wants ; we know in his case that such a practice will prove his ruin. The commerce of this kingdom is to the state what the principal of his fortune is to a private man. The same conduct leads to the same end. Suppose we obtained from America a million instead of

an hundred thousand pounds, it would be supplying our present exigences by the future ruin of our commerce. Nothing can be more obvious. What is it then that can make us persevere in a measure, the very success of which must be our ruin?

We are told, however, that the Americans pay no taxes, while ours are very heavy; and that as they equally enjoy protection, they ought to contribute their proportion to the expence:

But the question is not *whether* the Americans shall contribute, but *how* they shall contribute? Whether they shall be taxed by their own representatives or by ours? They contributed during the war, but it was by their own assemblies; the proof of this is from the records of the house of commons itself. The following is a copy of a message from his majesty to the house of commons, repeated for four sessions.

*Die Jovis 26^o Aprilis, anno 32^o Georgii secundⁱ
Regis, 1759.*

George Rex.

His majesty being sensible of the active zeal and vigour with which his faithful subjects of North America, have exerted themselves, in defence of his majesty's just rights and possessions, recommends it to this house to take the same into consideration, and to enable his majesty to give them a proper compensation for the expences incurred by the respective provinces, in the levying, cloathing and pay of the troops raised by the same, according as the active vi-
gour

gout and strenuous efforts of the respective provinces shall justly appear to merit.

G. R.

This was in the good days of George the second. There was no junto, no back stairs business then; a Whig King and Whig minister, speaking to a Whig people. A King who did not profess that he had no interest distinct from that of his people, but made them read it in his actions: a King who had too much dignity to deceive his people; too much honour to contrive the ruin of their liberties. The system then was to *ask* the aid of the people; the system now is, to *command* it. The Americans, we see, contributed then with zeal and vigour; the event will shew whether the new system is calculated to inflame their zeal and encrease their ardour. Let us however remember, in the mean time, what credit those ministerial tools deserve, who have so confidently affirmed that the Americans did not contribute to the expences of the late war.

With equal truth is it said, that the Americans pay no taxes. I will give an estimate of the taxes, both internal and external, paid by the colony of Virginia, with the income and expence of the colony, and the balance will shew their ability to bear additional impositions.

EXPENCE.

EXPENCE.

	£.
Quit rents — —	10,000
Impost on tobacco — —	5,000
Tonnage on shipping — —	5,000*
British manufactures, one third of which, according to the British writers, arises from various taxes — —	800,000
Pole tax, land tax, wheel tax, &c. — — — —	100,000
From tobacco being restricted to the ports of Great Britain — —	100,000
Commission on the sale of the tobacco — — — —	120,000

GROSS PRODUCE.

	£.
From tobacco — — — —	660,000
Lumber, corn, grain and provi- sion — — — —	300,000
Total — — — —	1,140,000

It appears from this estimate, that a ninth part of the gross produce of the colony is paid for internal taxes—that as much is sacrificed to the acts of navigation, which restrict their trade to this country for our benefit—that a sum, almost equal to the whole, is expended in British manufactures and merchandize, which leaves the colony in debt, annually, 180,000*l.* The vast profits which the British merchants make upon this commerce, enable them to afford this

* These three sums, amounting to 20,000*l.* together with the quit rents in the other North American colonies, and the duty of $4\frac{1}{2}$ per cent, on all the produce of the West India islands, except Jamaica, amounting annually, at the lowest computation, to 100,000*l.* are paid to the crown, and never accounted for to parliament. Before any farther aid can with propriety be asked, of our American brethren, should we not shew them that this 200,000*l.* is really applied to the exigencies of the state.

credit ;

credit; which, when it rises to an extreme, is reduced by greater frugality in the planter, or by an extraordinarily favourable year increasing the quantity, quality, or price of his produce, and consequently the gross income of the colony.

The public will judge, from this situation of one of the richest colonies, of the ability of America to bear additional taxes. Were the right of imposing them ever so unquestionable, the impropriety of it would be manifest. A young people, loaded with an enormous debt of six millions, with the balance of trade annually against them, arising entirely from the restrictions we impose upon their trade, are not fit objects of additional taxation. Were these circumstances reversed, there would be some propriety in applying to them for relief from the load of our national debt and establishment: but as it is, were they ever so little inclined to question your right, or to resist the imposition of taxes, the consequence of imposing them would be ruinous; the inhabitants finding it impossible to live in such circumstances would retire back in troops, as our own are now emigrating from Great Britain and Ireland. Remote from the sea coast, they would live entirely within themselves, relinquishing all commerce with the mother country, and bidding defiance equally to the merchant for his debt, and the crown for its taxes. These measures being prompted by necessity would be irresistible: they would leave us a depopulated frontier to tyrannize over; and for this you would have sacrificed a valuable and growing

growing commerce, with all the strength and aid which we have received from the active zeal and vigorous efforts of an affectionate, industrious, loyal people. Were I an enemy to Great Britain, I would promote this very system, to humble, to overthrow her. Nothing operates like necessity: no human wisdom or virtue can produce equal effects. Persevere in these measures, and you will create that necessity, which will effect the independence of America beyond the operation of policy or persuasion.

How then are we to avert these evils? How are we to regain the confidence of America, and the commerce of Great Britain? Nothing more easy. Recall your fleets and armies; recall your commissioners; repeal your useless, your obnoxious laws; restore the establishment of America to what it was at the conclusion of the late war; cease to hold out rewards, as if in the public gazette, for fraud and imposition. The Barnards, the Hutchinsons, the Olivers, will without end make such credulity the ruinous instruments of their revenge, avarice and ambition. Such men never want the specious pretext of loyalty and order, to cover their interested views.

But it will be said, that to retract would be to resign our authority over our colonies. What—had we no authority over America till the year 1764, when these measures commenced? Was no revenue collected, no acts of parliament obeyed, no supreme power exercised or acknowledged till the stamp-act? Was that act founded upon any complaint of this kind?

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The fact is so far the reverse, that the revenue officers remitted more money home before, than since that act; the laws of trade were much better obeyed; nor was our supreme controuling power questioned or opposed. If these positions are not true, let those who advise these American measures, produce, if they can, any authentic evidence to refute them. I will refer to some of those laws, which, in our sovereignty, we made for America, and which, in their reluctance to dispute with us, they obeyed. In the restriction of their trade and manufactures, the exercise of our power was wantonly oppressive; yet until we passed that line, and attempted to take their money from them without their consent, that is, to make them the most abject slaves, we hear of no petitions, remonstrances, and associations against our acts. In proof of what I have said, I will recite some of the most grievous exertions of our supreme authority to which they submitted.

First, The prohibition from making steel, or erecting steel furnaces. This was the more severe, as it sacrificed all America to five or six persons in England, engaged in this manufacture, who are so far from being able to supply the market, that considerable quantities are yearly imported from Germany.

Secondly, Obliging them to land the Spanish and Portugal wines and fruit, which they import, in England, subject to high duties and heavy charges for re-shipping. This restriction not only grievously enhances the price of these necessary articles, but exposes their vessels

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to the danger and expence of an additional voyage of 1000 miles, in a boisterous sea, in time of peace ; and in time of war, to an advanced insurance of 25 per cent.

Thirdly, The restraint laid on the sale of hats, and the prohibition of exporting them. In consequence of this, an inhabitant of one province cannot buy a hat from his neighbour, being a hatter, in the other ; but must send 3000 miles for it, at three times the price, for the benefit of our manufactures. Is this no sacrifice on the part of America ? No advantage on ours ?

Fourthly, They are not suffered to erect plating or slitting mills, or tilt hammers. Thusthough iron is the produce of their own country, they must send it to England, and pay us for manufacturing it, before they are suffered to avail themselves of those advantages which God has given them. Nails, hoes, ploughs, axes, &c. they are under the greatest necessity of using, from the nature of their country, in great quantities ; yet they are obliged to take such as we please to give them, at our own price, loaded with our taxes, and the charges of double freight, commissions, &c.

Fifthly, They are prohibited from carrying wool, or any kind of woollen goods made in one colony, to another. A single fleece of wool or a dozen of home-made hose carried from one colony to another, is not only forfeited, but subjects the vessel if conveyed by water, or the waggon and horses, if by land, to a seizure, and the owner to a heavy fine.

Sixthly, The Americans are not permitted to carry logwood to any foreign market, without

previously bringing it to some British port, to land and re-ship it, at a great risque, expence, and loss of time.

I will not trouble the reader with more instances, though there are many. These are amply sufficient to shew what authority we had over them, and how rigorously we exercised it—how much to our own advantage, and to their loss. When we have destroyed the Americans, or dissolved by our injustice and extortion their connection with us, where is it we shall find another people whom we may thus make the instruments of our manufactures and commerce? Where is it we can secure a monopoly of the gross article, and of its consumption when manufactured? It is plain from these very restrictions that America is capable of manufacturing for herself; there is no doubt but that a little time would enable her to supply other nations. The desisting from this, confining themselves to the culture of raw materials, and consuming our manufactures loaded with every charge, tax and imposition, is the price they paid for the protection we gave them. We exacted it rigorously, yet they paid it willingly; severe as the restraints were, they flourished under them, and therefore did not complain: but when we assumed a greater power; when, not content with restraining their acquisitions, we began to take from them at our pleasure what they acquired under those restraints; this was a system of such glaring injustice that they could not submit to it: it was a system that left them nothing they could call their own. What incitement could
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any man in America have to be industrious or acquire property, when a house of commons, distant, unknown to him, unconnected with him, unelected by him, not sharing in the tax they imposed, or rather saving their own as they lavished his property, might dispose of it as they pleased, without his consent or participation, or those of any one deputed by him. Nor were we content with this, we subjected all their property to the judgment of a single judge of admiralty, without the intervention of a jury; a judge appointed by the King, subsisting at his pleasure, yet determining between the King and the subject, and payable out of the forfeitures which his judgment against the subject should produce. It is not in human wickedness and injustice to devise more infallible means of perverting justice and rendering property insecure. And that this most arbitrary measure, might be executed in the most odious manner, those men were appointed to these offices who had signalized themselves, not by their abilities and virtue, but by being infamous sticklers against their country. Let us contemplate for a moment the effect of this establishment of vice-admiralty courts. The law gives the custom-house officer the option of carrying his seizure into any one of the four courts appointed for all America. The officer makes his seizure in Pensacola, and libels in the court at Halifax, which is more than two thousand miles distant; the owner must be at the expence of going thither, must submit his property to the arbitration of such a judge, and whether the decision be for or against him, he

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can have no retribution for his expences, or for the delay, or for the damage his cargo may have received. The law has made the judge's certificate a protection to the officer against an action of damages.

It seemed however, that the oppression of America was not yet sufficiently severe ; all their judges were therefore rendered dependent upon the crown for their salaries and their places. The lives and liberties as well as the property of the people were to be at the mercy of the crown. To make the system compleat, their governors were rendered as absolute as the Spanish Viceroy ; in fine, to convince them that they were doomed to experience the last exertion of arbitrary power, a military force was sent to execute this system.

After all these injuries and insults, we are surprized that the Americans should be discontented ! We think it extraordinary that they should destroy the tea sent on purpose to compel the payment of a duty so imposed ! It is an injury to private property : but who offered the first injury to private property ? Who was it that claimed and exercised a right to dispose of all the property in America at their pleasure ? The British, not the American house of commons. A set of men assembled at Westminster, who have just as much right to dispose of property in America as the Divan at Constantinople has in England. This was the first interruption of that harmony which subsisted between the two countries ; a harmony under which the commerce and manufactures of this country

country so eminently prospered. The Americans were not the aggressors : they received the news of the intended stamp-act with astonishment ; it was some time before they could believe it possible, that a parliament which they regarded with respect could be guilty of such an outrage against their rights ; that a house of commons, who existed only by the election of the people of England, who would not suffer any other branch of the legislature to touch the property of the people, because they only are deputed by them, should seriously resolve that it might be just and expedient for them to give and grant the property of the people of America. One reads, to this moment, such a resolution with a mixture of astonishment and ridicule. Had they resolved that it would be just and proper for that house to turn all the white people in America into blacks, it would not have been more ridiculous. For God's sake whence did they derive the right of giving the property of the people of America ? Did that people ever delegate to them such a right ? Can such a right exist without the delegation of the community to whom the property belongs ? Yet from this absurd resolution we proceeded to acts which have alienated and inflamed all America. Are the Americans to blame for all this ? Are they culpable for the consequences ? Are we to put fire in a man's hand and punish him for expressing a sense of pain and endeavouring to reject it. Are the Americans divested of the feelings of humanity ? If they are not, the things which are calculated to rouse and irritate those feelings, must have their effects. In these circumstances

cumstances, the tea was destroyed at Boston by persons unknown. Without enquiring after the guilty, without evidence, without a hearing, (their agent refused a hearing, upon a quibble which would have disgraced the Old Bailey) we proceed to punish the town of Boston, to a thousand times the amount of the damage sustained. But this was not enough; in violation of the royal faith, we alter their charter, without any act of forfeiture even pretended. Their juries who were chosen by lot, and therefore as far as human precaution could effect, were rendered impartial, we have directed to be returned by the sheriff, who is a creature of the governor's appointment; and thus a way is found out to have the lives, liberties and property of the people at the mercy of the crown, under the form of law, by pack'd juries as well as dependent judges. These are the measures which are to calm the commotions of America, and restore the harmony we have interrupted. Yet after all these proceedings, calculated to exasperate and inflame the Americans, and to convince them that we have neither justice nor wisdom to guide us, the men who have been instrumental in all this are gravely told, that the "temper and firmness with which they have acted, will ensure success"—and that a bill for establishing popery and arbitrary government in America "is founded upon the clearest principles of humanity and justice." On any other occasion one would have been tempted to think this was said to ridicule them; let it have been meant as it will, such praise is the severest satire.

Spirit

Spirit of the Steuarts, look down and wonder !
This single transaction will put all your merits
to the blush !

Every step we have taken respecting America, for ten years past, has been repugnant to the practice of our ancestors. It was their policy to conciliate the people, and secure their commerce to Great Britain. Our system has been to alienate and irritate them. We have made it a public virtue in America to discontinue all commerce with us, and to encourage smuggling ; we shall attempt, perhaps too late, to return to the wisdom of former times. If there were any defects in the American constitutions, we have not taken the proper steps to rectify them. "Time only, and long experience," says Sully, "can bring remedies to the defects in a state whose form is already determined ; and this ought always to be attempted, with a view to the plan of its original constitution : this is so certain, that whenever we see a state conducted by measures contrary to those made use of in its foundation, we may be assured a great revolution is at hand."*

The American constitutions were modelled upon that of England. We have began the reformation : but the taxing the people without their being represented—the depriving them of all influence in the government—the abolition of juries in part, and rendering the rest liable to be pack'd by the crown officers—the making their judges dependent, and their governors absolute—the empowering custom-house officers,

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at their pleasure, to break open a man's doors, cabinets, chests, &c. rendering his house no longer his castle of protection—these are the reformations we have attempted in America. They are indeed with a view to the original constitution, but manifestly with a view to overturn it. The event will shew whether Sully's consequence will follow, whether a great revolution will ensue. In my judgment it will be inevitable, unless the intervention of the people at large, who in every view are interested to prevent it, should exert those powers which they have in the state, and prevail on parliament to retract all those obnoxious, unconstitutional measures, and restore America to that state in which they were at the end of the war. Our commerce with her then was uninterrupted, prosperous and profitable; our authority over her was fully sufficient to preserve this advantage. By arrogating more, we endanger the loss of the whole, either by the destruction or disconnection of the people upon whom it depended.

That our authority over America, and the advantages we derived from her, before these measures commenced, were as great as in reason and justice we should require, is the opinion of a wise and well informed foreigner; a writer who has viewed the state of all the European colonies, with great impartiality and attention; I mean the celebrated author of the *Histoire philosophique des Indes*. His sentiments are these:

“ Great

“ Great Britain enjoys all the power over
 “ her colonies that she ought to desire. She I
 “ has a negative on all the laws they make.
 “ The executive power is entirely in the hands
 “ of her delegates. There is an appeal to her
 “ from all their civil courts. All their com-
 “ mercial movements are in her arbitration.
 “ To increase the yoke of a domination so
 “ wisely framed, would be to plunge the con-
 “ tinent anew into that disorder from which
 “ they have hardly extricated themselves by
 “ two centuries of continual labour and hard-
 “ ships—it would be to compel the industrious
 “ labourers, who have cleared it, to arm in
 “ defence of those sacred rights, which they
 “ hold equally from nature and society. The
 “ people of England, a people so devoted to
 “ liberty, who have sometimes protected it in
 “ regions unallied to them—can they forget
 “ those principles which their glory, their vir-
 “ tue, their feelings, their safety, render an
 “ eternal duty? Will they betray those rights,
 “ which are so dear to themselves, so far as
 “ to contribute to reduce their brothers to
 “ slavery? If however it should happen, that
 “ some incendiary spirits should devise so fatal
 “ a measure, and in some moment of madness
 “ should have it adopted by Great Britain,
 “ what ought then to be the conduct of the
 “ colonies, to prevent their falling under the
 “ most odious servitude?

“ Before they proceed to extremities, they
 “ should remember all the advantages they
 “ derive from the more powerful state.

“ England

“ England has always been a bulwark to
 “ them, against the nations of Europe. She
 “ has been a guide to them, and a preserver
 “ from those civil dissensions, which jealousy
 “ and rivalry but too often excite among nei-
 “ bouring states, in their infancy and progress.
 “ It is to the influence of her excellent consti-
 “ tution that they owe the prosperity they en-
 “ joy. As long as the colonies continue under
 “ wise and moderate regulations, they will con-
 “ tinue to extend the progress of their industry
 “ to the farthest extremity of their country.

“ But may their love for Great Britain be,
 “ in the mean time, accompanied by a certain
 “ jealousy of their liberties. Let their rights
 “ be frequently examined, discussed and ex-
 “ plained. Let them cherish those as their best
 “ citizens, who incessantly warn them. This
 “ jealous spirit is necessary in all free states ;
 “ but more especially in a mixed constitution,
 “ where liberty is joined with a certain depen-
 “ dence necessary to the connection between two
 “ distant states. Such vigilance will be the
 “ surest guardian of that union, which ought
 “ for ever to connect Great Britain and her
 “ American colonies.

“ But if the ministry, which always, even
 “ in free states, consists of ambitious men,
 “ should attempt to augment the power of the
 “ crown, or the revenue of the state, to the
 “ injury of the colonies, they ought firmly to
 “ resist the usurpation—Yet they are too much
 “ enlightened not to know, that they cannot
 “ be justified in proceeding to extremities, till
 “ they

" they have tried every means of obtaining
 " redress in vain:* but they know too, that if
 " they are driven to the necessity of chusing
 " slavery or war, if they are compelled to take
 " up arms in defence of their liberty, they
 " ought not to sully so noble a cause with
 " all the horrors and cruelties of sedition; and
 " with the determined purpose of not sheathing
 " the sword, till their rights are vindicated,
 " they should be satisfied with the recovery of
 " their former privileges."

Prejudice and imaginary interests, artfully
 laid before us, have made us view the whole
 of this business thro' a false medium; but this
 philosopher, who sees the whole with an equal
 and impartial eye, whose examination of the
 state of our connection with America, has
 made him a competent, and his disinterestedness
 an upright judge, can clearly perceive the un-
 wise and unjust policy of our proceedings. The
 universal discontent in America, where no such
 temper was ever heard of before the com-
 mencement of these measures, ought to convince
 us that they labour under real grievances.
 It is an infallible truth, what the Duke de Sul-
 ly has observed—Pour la peuple, ce n'est jamais
par envie d'attaquer, qu'elle se joute; mais

* The Americans have in fact exhausted every peaceable
 means of obtaining redress. For seven years they have inces-
 santly complained and petitioned for redress; their return has
 invariably been a repetition of injuries, aggravated by the most
 intolerable insults. There has not been a single instance in
 which they have complained, without being rebuked, or in
 which they have been complained against, without being pu-
 nished.

par impatience de souffrir.* The people never rise from a desire of doing, but from an impatience of suffering injuries. But not only that love of tranquility, which withholds people in general from commotions, operated with the Americans, but the additional motives of affection and respect, which made them always regard this country as their home. These were habits arising from education, which always take the strongest possession of the human mind. Nothing indeed could have overcome the restraint of these feelings, but so palpable an invasion of their rights and liberties, as convinced them there was a design in his majesty's ministers to enslave them. As the true descendants of Englishmen, they are jealous of their liberty, and prize it beyond all earthly blessings. It is a spirit we ought to respect, even in its excesses, because there is always more danger of its sinking into slavery, than of its rising into licentiousness. When we censure the struggles of other people for their liberties, I am afraid we shall not long contend for our own. No man, says the gallant Lord Moleworth, can be a sincere lover of liberty, who is not for encreasing and communicating that blessing to all people: and therefore the giving or restoring it, not only to our brethern of Scotland and Ireland, but even to France itself, were it in our power, is one of the principal articles of Whiggism.

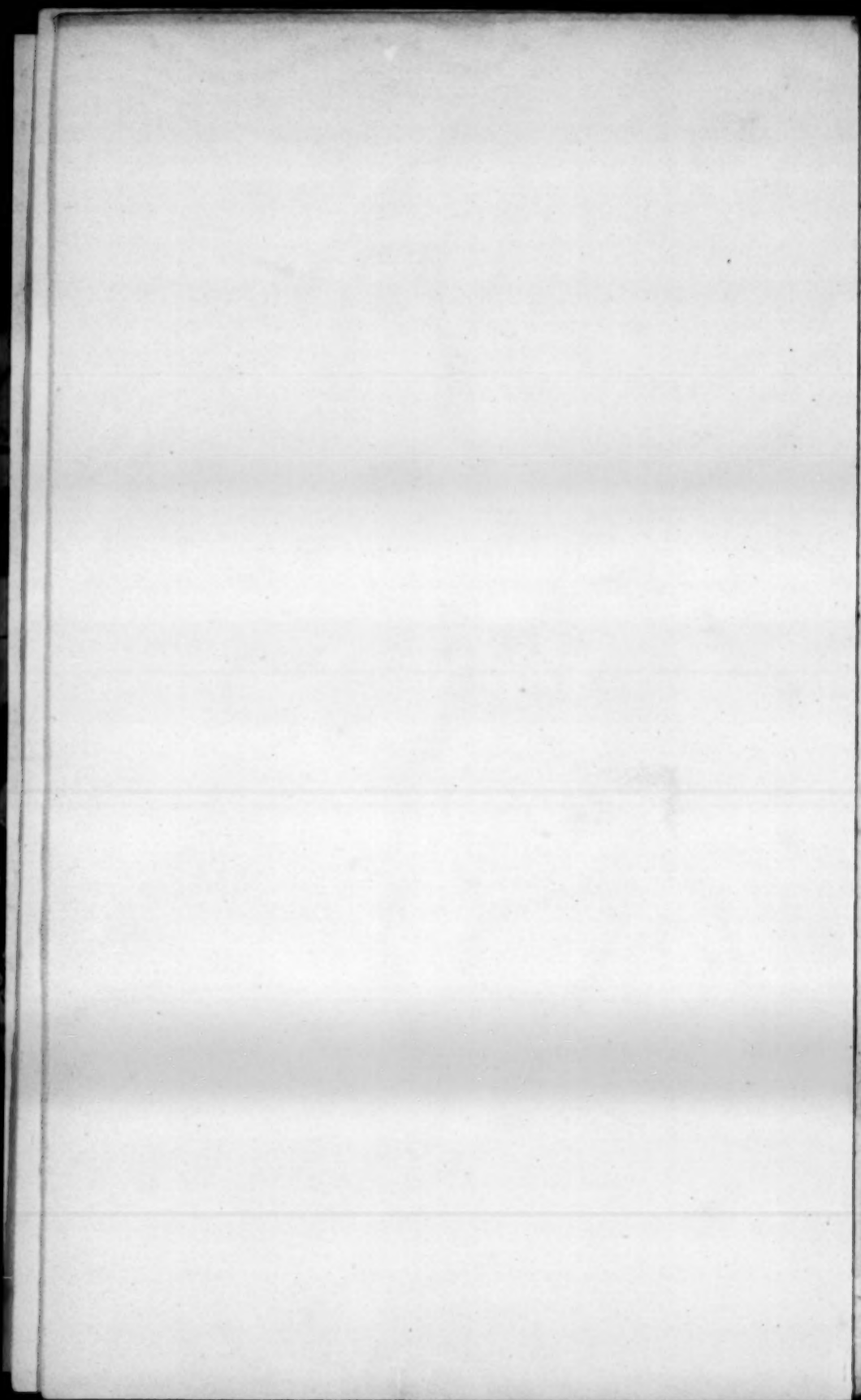
May the liberties of England be immortal—
but may Englishmen ever remember, that the
same

* V. I. p. 133.

same arbitrary spirit which prompts an invasion of the constitution in America, will not long leave that of England unattacked; and that the same corrupt servility in their members, will make them the instruments of the crown in all its attempts

F I N I S.





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A
SECOND APPEAL
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JUSTICE AND INTERESTS
OF THE
PEOPLE,
ON THE MEASURES RESPECTING
AMERICA.

BY THE AUTHOR OF THE FIRST.

Thucydides
Οὐ γὰρ ἐπὶ τῷ δῶλοι, ἀλλ' ἐπὶ τῷ ὅμῃ εἶναι
ἐκπεμποῦνται.

Thucydides.

Non enim ut servi, sed ut pari jure sint demittuntur Coloniae.

Grotius, lib. ii. c. 9.

LONDON:
PRINTED FOR J. ALMON, OPPOSITE BURLINGTON-
HOUSE, PICCADILLY. 1775.

SECOND APPEAL

TO THE

JUSTICE AND INHERITS

OF THE

PEOPLE

ON THE 10th DAY OF

AMERICA

BY THE AUTHOR OF THE FIRST

OF THE FIRST TO THE SECOND DAY OF THE YEAR

THE YEAR

THE YEAR OF THE FIRST TO THE SECOND DAY OF THE YEAR

LONDON

PRINTED FOR J. ALLEN, OPPOSITE PARLIAMENT

HOUSE, BRISTOL, 1777

A

SECOND APPEAL

TO THE

Justice and Interests of the People.

THE worst event that I apprehended from our unhappy difference with our fellow subjects in America, is now come to pass. The *civil* sword, with all its terrible formalities, is drawn in our colonies.

I did indeed conceive, that, if not compelled by additional injuries and irritation, the Americans would rather acquiesce, for a time, under their former grievances, than meet the administration in arms; or that if they did make such an attempt, defeat and destruction must, at first, be their inevitable lot. Such was the fate of the United Provinces, when they were compelled to resist Spain; and yet, in the end, that resistance was fatal to the oppressor.

But a total rejection of the healing measures proposed by Lord Chatham; an adoption of the most rigorous proceedings here,

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and a military movement there, have driven them at once into the last resources of despair—an appeal to the God of battles. In this appeal, they have already shewn an address and resolution, which forebode a contest the most obstinate, bloody, and destructive, that has ever yet destroyed mankind. At the expence of near two thousand of our bravest men, we have scarce acquired territory enough to bury the slain; and the army of ten thousand, with our best generals, which it was vainly imagined could march in triumph through the whole continent of America, is kept shut up in Boston, in spite of every stratagem and effort, a prey to shame, disease, and disappointment.

Such, unhappily, is the present state of America. Our measures have united them as one man. Our attempts to execute those measures by military force, have served only to convince us of their strength and our weakness.

In order to judge however of these proceedings, it is necessary to take a view of what has passed since the commencement of the last session of parliament.

After the intemperate measures of the session of 1774, good and wise men placed their hopes of relief from the violences of that, in the wisdom and moderation of a new parliament. Men who foresaw the destructive consequences to the whole empire from coercive measures, and that the interests of the whole would be best consulted by the
peace

peace and contentment of the whole, could not but hope, that a new parliament, uncommitted in this dangerous quarrel, would endeavour to heal the unhappy divisions that distracted and endangered the dominion, by redressing grievances, and restoring the colonies to the unmolested enjoyment of those liberties, the infringement of which was the foundation of this alarming dispute.

These hopes were flattering, but fugitive. From the first day, the first hour of the session, they vanished. Nor was it long before the reason of this disappointment was discovered. The ministers boasted in the house of lords, that they had advised a sudden dissolution of parliament, that it might be re-chosen before the nation recovered from its delusion respecting America. The parliament obtained by such a manœuvre, answered effectually the ends of those who planned it; so effectually indeed, as to have left us hardly any thing but to pray, that the *boast* of the *ministers* may not be the bane of the empire.

The King's speech, at the opening of the session, contained the alarming expressions of—a most daring spirit of resistance and disobedience to the law in the Massachusetts Bay, breaking out into violences of a very criminal nature—unwarrantable attempts and unlawful combinations in the other colonies. The address of the house of commons re-echoed these expressions; and while they declared their hope that “his Majesty's constant endeavours to prevent the breaking out of fresh

disturbances in Europe, would be attended with success;" they unhappily lent themselves to every proposition, calculated by the minister to excite more fatal commotions in America.

On the 20th of January, the great author, under Divine Providence, of our honourable pre-eminence over other nations, in reputation and power, the Earl of Chatham, made the following motion, "That an humble address be presented to his Majesty, most humbly to advise and beseech his Majesty, that, in order to open the way towards an happy settlement of the dangerous troubles in America, by beginning to allay ferments and soften animosities there; and above all, for preventing, in the mean time, any sudden and fatal catastrophe at Boston, now suffering under the daily irritation of an army before their eyes, posted in their town, it may graciously please his Majesty, that immediate orders may be dispatched to General Gage, for removing his Majesty's forces from the town of Boston."

This motion was rejected by a great majority. The illustrious father of his country, renewed his endeavours for conciliation on the 1st of February, by proposing, "A provisional act for settling the troubles in America, and for asserting the supreme legislative authority and superintending power of Great Britain over the colonies."

This proposition was also totally rejected; and with circumstances of high insult on the venerable

venerable mover of it, by the members of administration.

Motions for the same conciliatory purpose, in the lower house, by Mr. Burke and Mr. Hartley, were treated in the same manner.

The latter end of December, an humble petition was presented to the King, from the general congress in America, setting forth their grievances, praying for redress, professing their readiness to grant money when constitutionally required, declaring their devotion to his Majesty, and their veneration for the parent state. This petition had no farther regard paid to it, than that of being sent to the two houses of parliament, undistinguished among a multitude of official papers; and when Sir George Savile moved the house, in consequence of a petition for that purpose, that the agents might be heard upon it at the bar, it was refused.* It is true, when that petition was presented to his Majesty, an answer was given, importing a very different treatment. The agents were told by Lord Dartmouth, that his Majesty had been pleased to receive it very graciously; and from its importance, would lay it before his two houses of parliament, as soon as they should meet.

The following circular letter, however, will shew, with what sort of faith the ministry acted; and that while they complied in

* January, 26,

an insulting manner, even with the letter of the answer, they had determined it should have no favourable effect.

(CIRCULAR.)

SIR, *Whitehall, January 4th, 1775.*

Certain persons, *stiling themselves delegates* of his Majesty's colonies, in America, having presumed, without his Majesty's authority or consent, to assemble together at Philadelphia, in the month of September and October last; and having thought fit, among other unwarrantable proceedings, to resolve that it will be necessary, that another congress should be held in the same place, on the 10th of May next, unless redress for certain *pretended grievances*, be obtained before that time, and to recommend that all the colonies in North America, should chuse deputies to attend such congress. I am commanded by the King, to signify to you his Majesty's pleasure, that you do use your utmost endeavours to *prevent any such appointment of deputies*, within the colony under your government; and that you do exhort all persons to desist from such unwarrantable proceedings, which cannot but be highly displeasing to the King.

DARTMOUTH.

To his excellency Thomas Gage, Governor of the Massachusetts Bay.

Thus

Thus the grievances represented in their petition to the throne, were declared to be *pretended*, by his Majesty's ministers, previous to the petition's having been laid before the parliament, to the wisdom and consideration of which the royal answer had referred it. A higher insult upon parliament, a proceeding of more treachery towards America, or of more injury to the character and dignity of government can hardly be conceived. It is impossible to imagine, that after such a discovery the colonies can ever give credit to any proposition that comes from men not only apparently bent upon their destruction, but capable of attempting it by the basest and most shameful duplicity. It should be remembered, that the representatives of the people, in their provincial assemblies, had petitioned over and over again for a redress of those grievances, without the least effect. Nay more; every governor had instructions to dissolve their assemblies (which had, in sundry instances, been executed) if they attempted to proceed upon their grievances. The people were therefore compelled, to chuse deputies for a general congress where they might seek redress. The attempt to prevent this mode too of petitioning for redress, was endeavouring to take from them that, which is not denied to the most abject slaves on earth, the consolation of complaint, and the hope of relief.

With the same views of conciliation, petitions were presented from the common-hall
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of London, from the corporation of London, from the merchants and traders of London, from the West India planters and merchants, from Bristol, Liverpool, Birmingham, Manchester, Norwich, Leeds, Glasgow, Nottingham, Dudley, Belfast and Waterford; from the Quakers; the assemblies of Jamaica, New-York and New-Jersey. The prayer of these petitions was utterly rejected.

I have stated all these efforts towards reconciliation, that the reader may judge whether the ministry wanted *opportunity* or *inclination* to accommodate this unhappy difference. Perhaps it will appear, when the whole of their proceedings are considered, that they not only resisted, inexorably, every conciliatory proposition, but adopted every measure which they were assured would inevitably produce the fatal extremity we now lament. Time, I am afraid, will discover, that the secret motives of thus urging on a war with the colonies, were an implacable enmity against the Whig principles of the Americans, and a thirst of revenge for the disappointed views of arbitrary power, which nothing but the blood of that people can allay.

It is true, there were counter petitions from Nottingham, Birmingham, Leeds, Poole, Huddersfield, and Troubridge. I will make no comment on the number or respectability of these petitions. Dr. Roebuck could, if he chose it, inform the public; *how* and *from whom*, they were obtained. It is not the lightest imputation against those who have
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for some years conducted government, that they have availed themselves of the distresses of respectable men, to pervert their principles, and ruin their reputations ; or, to use the more pointed expression of Dr. Johnson, in his definition of a Pensioner, to make them, “ Slaves of state, hired by a stipend to obey their master.” Such a state of public corruption is deplorable ; and when it originates in the highest sources of the kingdom, it is—desperate.

Upon the subject of accommodation, it will be deemed partial to suppress the mention of Lord North’s motion ; because it has been called conciliatory. I will give it word for word.

February 20. “ That it is the opinion of this committee, that when the governor, council, and assembly, or general courts of his Majesty’s provinces or colonies, shall propose to make provision according to their respective conditions, circumstances, and situations, for contributing their *proportion* to the *common defence* ; such proportion to be *raised* under the authority of the general court, or general assembly of such province or colony, and *disposable by parliament* ; and shall engage to make provision also for the support of the civil government, and the administration of justice in such province or colony—it will be proper, if such proposal shall be approved by his Majesty in parliament, and for so long as such provision shall be made accordingly, to *forbear*, in respect of such province or colony,

to *levy* any duty, tax, or assessment, except only such duties as it may be expedient to impose for the regulation of commerce."

When this is held out as a conciliatory proposition, it is necessary to consider what redress it offers. For it must be obvious to every one, that its tendency to *reconcile* can only be measured by its tendency to redress. Nor can any man be weak enough to imagine, that what does not *profer real relief*, can be productive of *real reconciliation*. Let us endeavour then, to find out what redress this motion promises.

The colonies had stated about twenty articles of grievances, of which they implored redress; declaring, at the same time, their *unalterable* resolution, rather to endure the utmost extremity, than submit to such oppression. Does this motion then propose to redress all or any of those grievances?—Not one. Does it promise the repeal of all or any of those acts, from which their grievances flow?—No, not one. Is any restraint on their trade to be removed, and the means of acquiring augmented, as the demands for contributions are increased?—Not an iota of it. "What then, my Lord," the American assemblies might say, "we are to dissolve all union among ourselves, and thus throw away our shield and our defence—we are to bid against each other, in the most disgraceful manner, for our respective proportions—the measure of which proportions may be large or small, as caprice may calculate, and enmity or arbitrary will exact---We are to provide

provide for our own establishment, the absolute controul of which, that you have lately assumed, is one of our grievances—which will therefore open a door to places, sinecures, riders, pensions, and salaries, measurable only by the possibility of extorting them from us : we are then to plunge into the bottomless abyss of general supply ; and though the people of Great Britain, having a constitutional check over the granting and administering the public money, are yet distressed by the extravagance and rapacity of public officers, we are to submit our contributions to the same officers, without check or controul. Nor does the demand stop here ; though the innumerable and idle restraints, injurious to us and unprofitable to you, imposed upon our trade, form part of our grievances, yet this conciliatory proposition threatens us with more regulations of our trade, by which a probable revenue will be raised upon us, even after we have contributed *ad libitum*, with this single consolation, that the net amount, which net amount is to be struck by you, unaccountable to and unexaminable by us, is proposed to be carried to our credit : so that if the gross sum, thus levied upon us, were one million, you might credit us with one shilling, and perfectly comply with the terms of this proposition. And yet, my Lord, you call these terms of conciliation, not of conquest ; and pretend to offer them to our acceptance, not force them upon our necessities. But what is the boon or benefit that accompanies them ?

The contributions^{ts} are to be collected by our authority. — This is the whole ! and while we furnish as much as will satisfy all your demands——what then ? Infinite consolation !——it will be proper to forbear to levy any further duty, tax or assessment, still excepting such duties as it may be necessary to impose for the regulation of trade ; under which denomination you have ranged the very revenue act we now complain of. My Lord, if you are serious, tell us, for God's sake, what harder conditions you could impose upon us if we were indeed *at your feet*, your prostrate, abject, beaten slaves ? They would even be rigorous from a lawless conqueror to a subdued people, because they are endless and indefinite. What did the plunderer Pizarro say more to the helpless Montezuma ? He demanded a specific room full of gold and jewels. But they were to be collected by the emperor's authority, and upon compliance, he was to resume his royalty. Your Lordship will answer, When one room was filled, he demanded another ; the cases are different.—Pardon us, my Lord, they are exactly the same: For what security have we, that when one hand of extortion is filled, the other will not be held out ? Is it not within the terms proposed ? Are not you to judge, without any controul, of the *quantum* ? Are not your standing armies still to be kept within our limits, your navy in our ports, the sword at our throats, the cannon at our breasts, the compulsory revenue act suspended over our heads ?

heads ? In these circumstances, is our will free, or controuled ? Are they conditions, or commands ? Will it be a grant, or an exaction ?—An exaction, arbitrary, unlimited, without measure, and without mercy !”

Such is Lord North’s conciliatory propositions ; in which my discernment can develop nothing, but the weakest attempt imaginable, to delude this country, and divide that. Indeed, when it was proposed in the house, even the household troops, sagacious and veteran as they are, were utterly confounded. Some faced one way, some another ; some wheeled to the right, and some to the left, without order or direction, till the all-regulating voice of their old general Sir Gilbert gave the word, when they instantly formed, as usual, a hollow square, impregnable to reason, truth and justice.

I cannot think so lightly of Lord North’s judgment, as to imagine he expected his motion could be the foundation of reconciliation. Its effect could not possibly fail being the reverse. The total injustice and unexampled severity of it must drive them to despair. But it was necessary to hold out some delusion. The complaisance of the house of commons did not require much depth or design in the execution. His Lordship therefore produced a conciliatory proposition, maintaining all the grievances of America, asserting an unlimited right to impose more, and devolving upon their assemblies the odious office of extorting endless contributions from the unhappy people,

ple, who had confided to them the guardianship of their lives and fortunes.

But I cannot do entire justice to the motion, without giving the answer to it by the Assembly of Virginia, at full length.

“ We cannot, my Lord, close with the terms of that resolution, for these reasons: Because the British parliament has no right to intermeddle with the support of civil government in the colonies. For us, not for them, has government been instituted here. Agreeable to our ideas, provision has been made for such officers as we think necessary for the administration of public affairs; and we cannot conceive that any other legislature has a right to prescribe either the number or pecuniary appointments of our officers. As a proof that the claim of parliament to interfere in the necessary provisions for the support of civil government is novel, and of a late date, we take leave to refer to an act of our assembly, passed so long since as the thirty-second year of the reign of king Charles the Second, entitled, “ An act for raising a public revenue, and for the better support of the government of this his Majesty’s colony of Virginia;” this act was brought over by Lord Culpeper, then governor, under the great seal of England, and was enacted in the name of the King’s most excellent Majesty, by and with the consent of the general assembly.

“ Because to render perpetual our exemption from an unjust taxation, we must saddle ourselves with a perpetual tax adequate to the expecta-

expectations, and subject to the disposal of parliament alone; whereas we have a right to give our money, as the parliament do theirs, without coercion, from time to time, as public exigencies may require. We conceive, that we alone are the judges of the condition, circumstances, and situation of our people, as the parliament are of theirs. It is not merely the *mode of raising*, but the *freedom of granting* our money, for which we have contended. Without this, we possess no check on the royal prerogative; and, what must be lamented by dutiful and loyal subjects, we should be stripped of the only means, as well of recommending this country to the favours of our most gracious sovereign, as of strengthening those bands of amity with our fellow-subjects, which we would wish to remain indissoluble.

“ Because on our undertaking to grant money, as is proposed, the commons only resolve to forbear levying pecuniary taxes on us; still leaving unrepealed their several acts, passed for the purposes of restraining the trade, and altering the form of government of the northern colonies; extending the boundaries and changing the government and religion of Quebec; enlarging the jurisdiction of the courts of admiralty; taking from us the right of trial by jury, and transporting us into other colonies, to be tried for criminal offences. Standing armies too are still to be kept among us; and the other numerous grievances, of which ourselves and sister colonies, separately, and by our representatives, in general congress, have

have so often complained, are still to continue without redress.

“ Because at the very time of requiring from us grants of monies, they are making disposition to invade us with large armaments, by sea and land ; which is a stile of asking gifts not reconcileable to our freedom. They are also proceeding to a repetition of injury, by passing acts for restraining the commerce and fisheries of the provinces of New-England, and for prohibiting the trade of the other colonies with all parts of the world, except the islands of Great Britain, Ireland, and the West Indies. This seems to bespeak no intention to discontinue the exercise of this usurped power over us in future.

“ Because on our agreeing to contribute our proportion towards the common defence, they do not propose to lay open to us a free trade with all the world ; whereas, to us it appears just, that those who bear *equally* the *burthens* of government should *equally participate* of its *benefits*. Either be contented with the *monopoly of our trade*, which brings greater loss to us, and benefit to them, than the amount of our proportional contributions to the common defence ; or, if the latter be preferred, relinquish the former ; and do not propose, by holding both, to exact from us *double* contributions. Yet we would remind government, that on former emergencies, when called upon as a free people, however cramped by this monopoly, in our resources of wealth, we have *liberally contributed to the common defence*. Be
assured

assured then, that we shall be generous in future as in past time, disdaining the shackles of proportion, when called to our free station in the general system of the empire.

“ Because the proposition now made to us involves the interest of all the other colonies. We are now represented in general congress, by members approved of by this house; where our former union, it is hoped, will be so strongly cemented, that no partial applications can produce the slightest departure from the common cause. We consider ourselves as bound in honour, as well as interest, to share one general fate with our sister colonies, and should hold ourselves base deserters of that union to which we have acceded, were we to agree on any measures distinct and apart from them.

“ There was indeed *a plan of accommodation*, offered in parliament, which, though not entirely equal to the terms we had a right to ask, yet differed but in a few points from what the general congress had held out. Had parliament been disposed *sincerely, as we are, to bring about a reconciliation*, reasonable men had hoped, that by meeting us on this ground, something might have been done. Lord Chatham's bill, on the one hand, and the terms of the congress on the other, would have formed a basis for negotiation, which a spirit of accommodation on both sides, might perhaps have reconciled. It came recommended too, from *one, whose successful experience in the art of government*, should have ensured to

it some attention from those to whom it was offered. He had shewn to the world, that *Great Britain with her colonies, united firmly* under a just and honest government, formed a power which might bid defiance to the most potent enemies. With a change of ministers, however, a total change of measures took place. The component parts of the empire have, from that moment, been falling asunder; and a total annihilation of its weight, in the political scale of the world, seems justly to be apprehended.

“ These, my Lord, are our sentiments on this important subject; which we offer, only as an individual part of the whole empire. The final determination we leave to the general congress, now sitting, before whom we shall lay the papers your Lordship has communicated to us. To their wisdom we commit the improvement of this important advance. If it can be wrought into any good, we are assured they will do it. To them also we refer the discovery of that proper method of representing our well founded grievances, which your Lordship assures us, will meet with the attention and regard so justly due to to them. For *ourselves we have exhausted every mode of application* which our invention could suggest as proper and promising. We have decently remonstrated with parliament—they have added new injuries to the old. We have wearied our king with supplications—he has not deigned to answer us. We have appealed to the native honour and justice of the
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the British nation—their efforts in our favour have been hitherto ineffectual. What then remains to be done? That we commit our injuries to the even-handed justice of that Being, who doth no wrong; earnestly beseeching him, to illuminate the councils, and prosper the endeavours of those, to whom America hath confided her hopes; that, through their wise direction, we may again see reunited, the blessings of liberty and property, and the most permanent harmony with Great-Britain.”

After having thus viewed every overture to real reconciliation, rejected by administration; let us see what steps were taken, in this eventful session of parliament, to exasperate former grievances, and add new.

On the 9th of February, the Americans were declared in rebellion, by an address from both houses of parliament, and an offer made of lives and fortunes, to support the crown against all rebellious attempts.

In March and April bills passed, to prohibit the colonists from catching fish in the seas which wash their own coasts; and from trading with one another, or with any part of the world, but Great-Britain and the British West-India islands.

Six thousand land forces, with three of the best generals in the service, a considerable reinforcement to the navy, and a large quantity of artillery and ammunition, were sent to Boston. Great industry was used to obtain, from the court of France and the states of

Holland, prohibitions against supplying the Americans with arms or ammunition. At the same time, ministerial men, of the first rank, were put forward, in the two houses of parliament, to assert that the Americans were the most abject poltroons, and would humble themselves at the appearance of a British army. These sentiments were industriously propagated in the public papers, through all parts of the kingdom, and of Europe.

Every measure, on the part of Great Britain, omened the commencing war, and cutting short the question of right, by conquest.

In the address, declarative of a rebellion in America, were these words : “ that we ever have been, and always shall be, ready to *pay attention and regard* to any real grievances of any of his Majesty’s subjects, which shall in a dutiful and constitutional manner be laid before us ; and whenever any of the colonies shall make a *proper* application to us, we shall be ready to afford them every *just and reasonable indulgence*.” Instructions were sent to the governors of several assemblies conformable to this declaration, informing the representatives of the people that propositions from them should be *attended to*. The house of representatives at New-York applied accordingly to the King and the two houses of parliament. But their petition to the King received no answer, and their application to the two houses was treated with triumphant contempt. The assembly of New-Jersey transmitted also an humble petition to our most gracious

gracious Sovereign; which the secretary of state refused to present.

Such was the good faith with which the ministers made these declarations; and such the attention they paid to the petitions founded upon them. The Americans soon perceived that while every hostile preparation was made for their destruction, every treacherous artifice was employed to render that destruction sure, by disuniting and deceiving them.

Men of similar principles, almost at all times, use the same practices. Thus in 1640, the ministers of Charles the First told the commons that "if they would grant supplies, he would give a *gracious ear* to grievances, if they were just."† The court lawyers extolled this condescension; but the people perceived, that parting with the means of obtaining redress, was the surest way to prevent it. Nor had they then more reason, than the Americans have now, to put their trust in the gracious disposition of the court; or submit the justice of their grievances to the opinion of arbitrary ministers. One of Charles's sycophants offered, with two thousand men, to make all the Scots creep upon their bellies, to beg his majesty's mercy; but the king and his ministers, at the head of twenty one thousand men, were soon obliged to treat with those very Scots. We have heard similar declarations respecting the Americans; and it is every day expected that news will arrive
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† History of the Steuarts, page 147.

of Col. Grant, with a chosen body of Tories, having forced the provincial lines, and put them all to the sword. Charles the First said, "It was only some vipers in the house of commons who occasioned the seditious carriage of the lower house."[†] We have been told over and over again, by the ministers and their informers, that it is only a faction in America, excited by those vipers Hancock and Adams. And a late proclamation for suppressing rebellion and sedition, tells us, "that the rebellion has been much promoted and encouraged by the traitorous correspondence and counsels of divers wicked and desperate persons within this realm." I am perfectly persuaded, that this is truth: for Bernard, Hutchinson, and others, whose treacherous advice and correspondence instigated and encouraged the ministry to those arbitrary measures which have excited a civil war in America, are now within this realm.

The act for preventing the Americans from catching fish, even for sustenance, in the open sea; washing their own coast, was founded on a violation of every principle of humanity, and of the established law of nations. Vattel, an author of the highest authority, speaks of it thus: "The right of navigating and fishing in the open seas, being a *right common to all mankind*, the nation that attempts to exclude another from that advantage, does an injury and gives just ground for war: Nature having authorised every people to
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† Whitelock.

repel an injury—that is to oppose by force, those who attempt to deprive them of their right.”*

What shall we think then of the principles or feelings of that man, who could declare, in the house of commons, that his only objection to the bill, was his fear that it would not starve the people effectually? What shall we say of this man’s being immediately promoted to be lord advocate of Scotland? Does it not mark an enmity and rancour in administration against America, in pursuing the gratification of which, humanity, justice, policy, and even decency, are forgotten? It must have been in this savage spirit, that my lord North, as is said, declared in the house of commons, “that an utter stranger had entitled himself to his favour, by concurring with the measure against America.”†

We cannot be surprised that violent measures should ensue from violent passions; or that while all America, and half England is earnestly imploring peace and reconciliation, the ministry should remain inexorable, and pursue without remission, the most offensive and exasperating plan.

The latter end of the winter, orders were sent to General Gage, by the hands of Colonel Abercrombie, to march out of Boston and begin the reduction of New-England. This is a circumstance particularly to be regarded, because it will shew that at the time of the affair of Lexington, where they have charged
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* Droit des gens, vol. I. page 229.

† Parliamentary Register.

the Americans with commencing hostilities, general Gage had the orders of the ministry to act offensively. Colonel Abercrombie had arrived some time before, and Colonel Abercrombie carried the orders. † In obedience to these commands, General Gage detached a part of his army, with great secrecy, on the 19th of April, to seize upon Hancock and Adams; and, as the Gazette acknowledges, to destroy some stores collected by the provincials at Concord. The march of a thousand men in military array into the country, in the then anxious state of men's minds and circumstance of things, under the irritation of an army posted and fortified in their capital town, could not but operate as an actual commencement of hostilities. The alarm spread immediately. The people assembled to defend themselves, without concert or leaders. The king's troops encountered much inferior bodies of the Provincials at Lexington and at Concord; on both which, according to the affidavits of some of those troops themselves, *they fir'd first*.* At length however they were obliged to retreat, being pursued to their intrenchments, tho' reinforced by a thousand men and artillery under Lord Percy, with very great loss in killed, wounded, and taken prisoners.

This was the commencement of the war. The Provincials immediately collected an army,

† The orders arrived some days before the engagement; but perhaps Colonel Abercrombie carried the duplicate: of their previous arrival, however, I am certain.

* See the affidavits of lieutenant Gould, James Marr, and John Bateman, soldiers. Remembrancer.

my, drew lines and entrenchments about Boston, in which they have ever since kept the Regular army closely besieged. In the mean time, the three generals, and the reinforcement from England, arrived at Boston. But tho' they were now augmented to near ten thousand men, stimulated by the want of forage and fresh provisions, urged by their orders, and impelled by the shame of their former vaunting and their late defeat, still they did not deem it prudent to march out and hazard an engagement. So much the amazement of the unexpected valour and activity of the Americans, with the remembrance of their former failure wrought on their minds. The Provincials however, approaching nearer and nearer, and having at length commenced an entrenchment upon an eminence called Bunker's hill, commanding Boston, and within the reach of the ships and batteries; the Regulars under the cover of these, attacked and drove the Provincials, from that post. But they did not venture to pursue them, having suffered so severely in the action, that half of their men were killed and wounded, and two thirds of their officers. The provincials lost their commander, General Warren, with two colonels, and about 300 men. During the engagement, Charles-town, which was to Boston what Southwark is to London, was set on fire by the King's troops, and totally consumed. This was a measure of such violence and mischief, that it served very much to encrease the irritation of America in general, which

is not yet so used to war, as to comprehend how such extremities can be justified. Another circumstance previous to that, contributed to persuade the people, that good-faith as well as humanity was to be violated towards them. The inhabitants of Boston having suffered great extremity from confinement and want of provisions, offered to deliver up their arms, if General Gage would let them leave the town, with all their effects. The general agreed to it; they accordingly delivered up their arms, and then he refused to comply with his part of the agreement, or to restore their deposit.

It is a settled rule, that the laws of war are to be observed, even with rebels. Henry the Fourth of France held them sacred with his rebellious subjects; and the duke of Alva was compelled to do the same with the Dutch by the severest retaliations. It is not well to commence a war with acts of rage and violated faith. The boast of humanity in not executing those, who, in his affected phrase, were destined to the cord, when there were ten times as many of his men prisoners for retaliation, will hardly cover the inhumanity and ill-faith of these notorious acts. It is not that General Gage's character suffers by such unbecoming conduct, but that as he in some measure represents the nation, the national honour and character is wounded, and the minds of the Americans irritated, and alienated from all respect for their native country.

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We have now considered the proceedings of administration, both in and out of parliament. We have seen, as far as intentions may be deduced from actions, a settled determination to draw the sword against America. This is the main and ultimate argument of all those, who aim at the establishment of arbitrary power upon the ruin of public liberty. That such is the purpose against the colonies, cannot be doubted. Else why this constant and contemptuous rejection of every really conciliatory proposition? Why such an accumulation of grievances upon an already complaining people, and every hostile preparation made for imposing them by military force? The Americans have solicited only to be restored to the situation they were in, at the end of the war. They were then subject to our supremacy, and subordinate in every thing but—taxation. The ministry have absolutely refused to restore them to that state. Therefore whatever they may say, it is impossible they can consider the supremacy of parliament, or the subordination of the colonies, to be the real matter in contest; but the being taxed without their consent, where they are not represented. I have already given my reasons and opinion upon this point in my first appeal. It has too been much more ably treated by many others. There does not remain a spark of new light to be thrown upon the subject. I shall therefore, before I proceed to discuss the policy of the measures most likely to be pursued, content myself with this

observation of a learned historian on the question of ship-money. " There never was any thing more plain, in both law and reason, than that no man's property should be taken from him, without his own consent ; and there was no difficulty in it, but what was occasioned by the opposition of *interest and authority*, to *reason and law*."†

The late petition from the general congress in America, with its ungracious reception, are too recent to require recapitulation. The colonies, as they themselves declare, were determined to leave no measure untried, consistent with their own immediate safety, that might possibly produce peace and reconciliation. It had been objected to their former petitions, that they asserted rights, and complained of grievances. In this petition they mention neither rights nor grievances. They only implore his Majesty, in his wisdom, to signify some plan, by which the further effusion of the blood of his subjects may be stopped ; the united sense of loyalty to him, and affection to the parent state, may be taken in the colonies ; and reconciliation be established, upon an honourable, useful, and lasting foundation. What must the colonies think, when they understand, that this petition too has been utterly rejected, and every hostile preparation pursued ? They must of course look forward to a determined war. It is impossible the ministry can mean any thing else but war. The next subject therefore of our con-

† History of the Stuarts.

sideration will be—the policy of a war with our colonies.

A due consideration of the policy of a war with our colonies, is of the last importance to the most essential interests of the empire. Even the ministers who urge it, and the law-lord who, in conjunction with his noble countryman, secretly advises it, confess it is a perilous extremity, and big with consequences of the greatest moment and magnitude. But they plead the necessity of it. To my apprehension however, it appears inconceivable, that such a necessity should exist, as long as the united voice of America continues to implore peace and reconciliation, and they are willing to return to that state of subordination, which they held when these vexatious and, I am afraid, ruinous questions originated. Such are the terms of the two petitions, which the general congress have presented; and which, like a thousand others from their assemblies, have been unhappily fruitless.

To a nation elevated, as this is, to the summit of opulence and power, war is attended with unusual hazard. Because such a nation in the event may fall, but cannot rise. It is peace only that can balance her upon that envied point of pre-eminence. To a nation so circumstanced, points of honour, imaginary points of honour, ought not to be a cause of war. Points of honour, did I say, nay nothing but the most essential points of interest not otherwise to be maintained can justify

fy so hazardous a measure. That no such essential interests are now in question, that no such unavoidable necessity exists, is I think clear to the commonest comprehension. However therefore they may be made the pretence, they assuredly are not the principle of the war. If the supremacy of this country, be that essential interest; let it be clearly proved that such supremacy has been invaded and cannot be otherwise retrieved. If the collection of a revenue be the object, why have these very ministers not only pledged themselves, in the most solemn manner to America, that no more revenue laws should pass respecting her; but repeatedly declared, that such a measure would be absurd and impracticable?

These sentiments of administration, will fully appear, in the following circular letter, from the secretary of state to the governors of the colonies; which letter must necessarily have been considered and consented to, by the cabinet of his Majesty's ostensible ministers, and is an act of state.

“ I can take upon me to assure you, notwithstanding insinuations to the contrary, from men with factious and seditious views, that his Majesty's present administration have at no time entertained a design to propose to parliament to lay any farther taxes upon America, for the purpose of raising a revenue; and that it is their present intention to propose, the next session of parliament, to take off the duties upon glass, paper, and colours, upon consideration

sideration of such duties having been laid, contrary to the true principles of commerce. These have always been and still are the sentiments of his Majesty's present servants, and by which their conduct, with respect to America, has been governed; and his Majesty relies upon your prudence and fidelity for such an explanation of his measures, as may tend to remove the prejudices which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her colonies; and to re-establish, that mutual confidence and affection upon which the *glory and safety of the British empire depends.*

HILLSBOROUGH."

If duties imposed for the purpose of revenue, were contrary to the true principles of commerce; surely a war, in support of those impositions, must be the last of absurdities. If the glory and safety of the British empire, depend upon the re-establishment of mutual confidence and affection; surely war is an awkward and unpromising mode of obtaining such an end. Nor would it be less preposterous to wage war for vindicating a supremacy, that has always been acknowledged. Last year the colonies desired to be restored to the condition, in which the conclusion of the late war left them. The navigation acts, and twenty other statutes, asserting and exercising our supremacy, were then in full force, and undisputed operation. Governor Bernard
himself

himself declared, that infringements of them, "when detected were surely punished."* It was under this subordination that a foreign writer† of the first reputation was of opinion that Great Britain enjoyed all the power over them, she ought to desire. She had a negative on all her laws. The executive power was entirely in the hands of her delegates. There was an appeal to her from all their civil courts. All their commercial movements were in her arbitration. "To increase the yoke, says he, of a domination so wisely framed, would be to plunge the continent anew into that disorder, from which they have hardly extricated themselves by two centuries of continual labour and hardships. It would be to compel the industrious labourers who have cleared it, to arm in defence of those sacred rights, which they hold equally from nature and society. The people of England, a people so devoted to liberty, who have sometimes protected it, in regions unallied to them, can they forget those principles which their glory, their virtue, their feelings, their safety render an eternal duty? Will they betray those rights, which are so dear to themselves, so far as to contribute to reduce their brothers to slavery? If however it should happen, that some incendiary spirits should devise *so fatal* a measure, and in some *moment of madness*, should have it adopted to Great Britain, what ought to be the conduct of the colonies,

to

* Select Letters, page 2.

† Histoire des Indes.

to prevent their falling under the most odious servitude?

What must this writer think of the madness of the times, in which there are not only incendiary spirits to devise so fatal a measure, and have it adopted; but in which a war is meditated, at the expence of our present and the hazard of our future commerce, to carry that fatal measure into execution? What must he think of this, at the moment in which the colonies have declared, they do not desire an accommodation, that may be, in any degree, inconsistent with the interests and dignity of Great Britain? When they have besought this country to propose its own terms of conciliation; and give them the opportunity, they ardently wish for, of testifying their zeal and gratitude, as loyal subjects and affectionate colonists? *

Under these circumstances, it is most manifest, that *subordination* cannot be the object of these measures, though *slavery* may. Yet to some it seems difficult to comprehend, how arbitrary power can arise to the crown, by making the authority of parliament absolute over America. But such difficulty will soon be removed, by recollecting how often our kings have exercised arbitrary sway, through the mediation of parliaments. The reigns of Richard II. of Henry VIII. and of Charles II. abound with instances: Lord Bolinbroke therefore observes, with perfect propriety, that, “whether the will of the
F prince

* See their last petition to the throne.

prince becomes a law, by force of *prerogative* and independently of parliament; or whether it be made so on every occasion by the *concurrence of parliament*; *arbitrary power is alike established*. The only difference lies here: Every degree of this power, which is obtained without parliament, is obtained against the forms, as well as against the spirit, of the constitution; and must therefore be obtained with difficulty, and possessed with danger. Whereas, in the other method of obtaining and exercising this power, by and with parliament, the progress is easy and short; and the possession of it so far from being dangerous, that liberty is disarmed, as well as oppressed, by this method. That part of the constitution, which was instituted to oppose the encroachments of the crown, the mal-administration of men in power, and every other grievance, being influenced to abet these encroachments, to support this mal-administration, and even to concur in imposing the grievances " *

Through the intervention of parliament is therefore the most safe and sure mode of establishing arbitrary power in the crown. By that medium it is not only compassed with more plausibility and ease, but exercised with more absolute sway and security. From hence it may appear, that the advisers of these measures have acted with deeper sagacity than superficial observers would suspect. Such being plainly the principle, and such the

* Political Works, vol. 2.

the purpose of this war; what policy can move the nation to espouse it? Every motive of humanity, justice and interest call for conciliation. These very ministers have told us, that the glory and safety of the British empire depend upon that mutual confidence and affection between the colonies and the parent state, which war must inevitably destroy. The sensible and surely impartial foreigner I just quoted, tells us, that the very principles of our constitution are wounded by this war. That we cannot attempt to increase the power we before possessed, without violating every principle of policy, and every sacred duty of virtue and justice. He has forewarned us, that such an attempt would force the American peasant to turn soldier in his own defence; and involve the whole continent in confusion. We have seen this come exactly to pass. The moment General Gage's army marched out in hostile array, and commenced hostilities at Lexington and Concord; the peasantry poured in, like a thousand streams, to overwhelm them. A powerful army was immediately formed; and at this moment, the colonies, which, before that attack, had not a single regiment in the field, have more than an hundred thousand men in arms. To subdue these, and all the rest, whom the same enthusiasm of liberty, and the defence of all that is dear and sacred to men, may call forth, is the immediate task of the war, upon the policy of which we are now deliberating.

Let us fully and candidly examine, then, what force, by sea and land, this war will require, what expence will be incurred by that force, what we shall lose in the revenue and commerce during the continuance of the war, and what we may possibly obtain, or possibly lose, by the ultimate event.

The conclusion from these considerations, duly weighed, will, I conceive, be found and decisive, whether it be for war, or for peace and reconciliation. The question is great. A greater never before called for our attention. The fate of empires hangs upon it. The protestant religion, the British constitution, the prosperity, the opulence, the existence of Great Britain, depend upon the issue. Let us then give it that attention, which its high importance merits.

The armament of last year against America, was ten thousand soldiers, and three thousand seamen. It was then supposed, the Americans would not resist. The event has proved they will. That armament is half consumed, without effecting a single thing of any consequence. I have conversed with no officer on the subject, who thinks a main army of less than thirty thousand men, with an adequate train of artillery, ten thousand men for the southern part of the continent, and ten thousand seamen including marines, can open the campaign with any possibility of success. This estimate I purposely state as low as possible.

Forty

	£.
Forty thousand land forces will be	1,000,000
Ordnance service ———	500,000
Transport service ———	600,000
Ten thousand seamen including marines ———	600,000
Staff and hospital ———	70,000
Building and repairs of ships	100,000
Forage, bread, and other contin- gencies for the fleet and army	1,000,000
Extra expence ———	600,000
	<hr/>
Total for the American war	4,470,000
	<hr/>

It must be remembered, that the peace establishment, together with the interest of the national debt, entirely exhausts the present supplies; that the sinking fund is almost emptied; that the debt already incurred for the war we have carried on with America, cannot be less than two millions; and that the necessities of the civil list will call this year for half a million. At the lowest computation then, if we are to continue this war, the additional expence of the ensuing year will be seven millions, which must be provided for, by additional taxes. Let us then consider, what we shall lose in revenue and commerce, during the continuance of an increase of taxes, to furnish the extraordinary supplies for this unnatural war. Mr. Glover, whose knowledge and accuracy is undoubted, estimates the revenue arising from North America, actually received, at three hundred thousand

thousand pounds *per annum*. Besides this, the taxes, which are involved in the price of the manufactures we furnish them, and which must fail with the failure of our exports, cannot be estimated at less than one million. The nett revenue arising from duties and excise on West India productions, is seven hundred thousand pounds, half of which cannot but fail in consequence of this dispute. Your exports to North America were three millions *per annum*, which were paid for in raw materials, that trebled their value upon being manufactured, and entered deeply into the whole system of your manufactures and commerce.

Upon this estimate then, observe what must be your over-taxed and ruined situation.

		£.
Additional supplies for the year		
1776	—	6,470,000
Deficiencies in the revenue		1,650,000
		—
Total equivalent to an actual increase in taxes of	—	8,120,000
If we add to this the supplies for the current service of the year which amount to	—	11,000,000
		—
The sum total will be		19,120,000
		—

This sum far exceeds the burthen of any year during the last war. The ruinous consequences of it, are plain and inevitable. There is no man in his senses, who can fit seriously

seriously down, and shew by what resources, we can supply such an enormous demand. It is absolute insanity to suppose our funds and our credit will survive the shock. Nor is it more rational to suppose, that a less force will suffice; or that such force can be supported at less expence. Indeed the ministers have already thrown out in parliament, that forty thousand men will be requisite. A less number would be an army of inability and irritation. Nor have I indeed an idea that such a force, though formidable, will be effectual. It may check, but it cannot conquer America. A war at more than three thousand miles distance, against an enemy we now find united, active, able and, resolute; where every foot of ground is to be won by inches, and at the same fatal expence with Bunker's-hill; in a country where fastness grows upon fastness, and labyrinth on labyrinth; where a check is a defeat, and a defeat is ruin—it is a war of absurdity and madness. We shall sooner pluck the moon from her sphere, than conquer such a country. But when we consider all its circumstances; that such a war is to be waged by a nation so exhausted of men that we are obliged to hire foreigners, so overburthened with debt, that we are sinking under its weight; divided and distracted among ourselves, while they are knit together, like a strong man, with one spirit of enthusiastic liberty, one sense of grievance, and universal desperation; I know not with what name of folly and insatiation to brand the attempt.

It

It is agreed that the grand American army will amount to fifty thousand chosen men, led by experienced generals, animated by every motive that can inspire undaunted and heroic valour, disciplined to all the advantages of the country, comforted and confirmed by every assistance which the attachment, the interest, the zeal of the inhabitants can minister, and capable of being recruited, or reinforced with the utmost facility. Against this army we are to contend, under every possible disadvantage. Our generals unacquainted with the particular country, our soldiers unanimated, I will not say disgusted, by the nature, of the service, embarrassed by the natural obstacles of an impracticable country, harrassed and distressed by an irritated, hostile peasantry, recruiting difficult, reinforcement impossible. Under these insuperable obstacles, what can ensue from the attempt, but rout and ruin? Will the ministry state to us a plan? I do not require that it should be practicable, let it only be plausible. Till that is done, we shall be warranted to retort upon administration, General Gage's charge against the Provincials; and call the attempt, an act of phrenzy.

But disappointment and defeat are not the only, not the worst consequences. The total loss of America follows inevitably. For can any man in his senses suppose, that when they have foiled our utmost attempts to subdue them, they will be longer subordinate? When once we put it to the issue
of

of force, whether they shall be subject *in all cases* whatsoever, the event will determine whether they will be so *in any case* whatsoever. The whole of our power must be put to the hazard. Let us then next examine what we may lose. We must lose the monopoly of her commerce. A visionary Dean, more mercenary, I suspect, than mad, has endeavoured to persuade us, that this loss will be no material injury. I shall take no further notice of him than to say, that his performance proves him to be utterly ignorant of every fact, that should govern the judgment in deciding upon so great a question. Without troubling, therefore, the reader or myself any further with such pretenders to political knowledge, I beg to call the attention of the public to the well-weighed, sterling sentiments of Lord Chatham.

“ When I had the honour of serving his Majesty, says he, I availed myself of the means of information derived from my office. I speak therefore from knowledge. My materials were good. I was at pains to collect, to digest, to consider them; and I will be bold to affirm, that the profit to Great Britain from the trade of the colonies, through all its branches, is two millions a year. *This* was the *fund*, that carried you triumphantly through the *last war*. The estates which were rented at two thousand pounds a year, threescore years ago, are at three thousand pounds at present. Those estates sold then

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from

from fifteen to eighteen years purchase. The same may be sold now for thirty. You *owe this to America*. This is the *price America pays to you for her protection*.* A profit of two millions a year then, is what we must lose. We are plunging into this war, not only without the fund that carried us triumphantly through the last; but for the destruction of that fund. What will the landed gentlemen think of four or five shillings in the pound, entailed upon their estates forever? Yet what else can compensate for the deficiency of two millions? It is inevitable. On the land must the burthen ultimately fall. There is no other equally permanent subject of taxation. The landed gentlemen then will do well to consider maturely the following words of Mr. Locke; "The decays that come upon, and bring to ruin any country, do constantly first fall upon the land; and though the country gentleman is not very forward to think so, yet this nevertheless is an undoubted truth; that he is more concerned in trade, and ought to take greater care that it be well managed and preserved, than even the merchant himself."

But this loss to us, is not the only mischief. Our rivals and enemies, the Spaniards and French, must gain, in a great measure, what we lose. We shall therefore strengthen them, as we weaken ourselves. The immense profit of being the carriers for America, will

* Mr. Pitt's speech on the stamp-act.

will cease with the abolition of the navigation acts; the policy of which was to take it from the Dutch, and secure it to us. It will in a great measure revert to its old channel; and enrich the States, by the impoverishment of Great Britain.

But let us hear Mr. Glover, who has traced our commerce through all her windings and dependencies, with a sagacity and success, which render his knowledge unequalled. After having accurately stated the facts, he says, "from this ground see what we put in hazard, not merely a monied profit, but our bulwark of defence, our power in offence, the arts and industry of our nation. Instead of thousands and ten thousands of families in comfort, a navigation extensive and enlarging, the value and rents of land yearly rising, wealth abounding and at hand for further improvements, see, or foresee, that this third of our whole commerce, that sole basis of our whole empire, and this third in itself the best, once lost, carries with it a proportion of our national faculties, our treasure, our public revenue, and the value of land, succeeded in its fall by a multiplication of taxes to re-instate that revenue, an increasing burden on every decreasing estate, decreasing by the reduced demand of its produce for the support of manufacture and manufacturers, and menaced with a heavier calamity still, the diminution of our marine, of our seamen, of our general population, by the emigrations of useful sub-

jects, strengthening that very country you wish to humble, and weakening this in the fight of rival powers, who wish to humble us."

If then the wisdom of Mr. Locke is not folly, if the information of Lord Chatham is not ignorance, if the laborious researches of Mr. Glover are not errors, the consequence of a war with our colonies is inevitably ruinous.

But the measure of our misfortunes, and of our folly, is not yet full. It is not the mere loss of this fund of two millions annually, and of so great a part of our commerce with all its consequences, it is not the transfer of it to augment the trade, the marine, and the riches of our rivals, that gives an adequate idea of what we are to lose by this infatuated war. We are to lose a fund increasing, as our wants increase; and in exact proportion to the growth and population of America.

Mr. Burke, whose researches have thrown irresistible light upon this subject, has stated it thus from the evidence of indubitable facts.*

In the year 1704.

Exports to North America and the		£.
West Indies	—	483,265
Ditto to Africa	—	86,665
Total	—	569,930

In

* Speech in 1775.

In the year 1772.

Exports to North America and the	£.
West Indies ———	4,791,734
To Africa ———	866,398
To which if you add the trade to	
Scotland which, in 1704, had	
no existence ———	364,000
Total ——— ———	<u>6,024,171</u>

From five hundred and odd thousands, it has grown to fix millions. It has increased no less than twelve fold. This is the state of the colony trade, as compared with itself at these two periods, within this century, and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is as compared with the whole trade of England in 1704.

The whole export of England in-	£.
cluding the colonies in 1704	6,509,000
Export to the colonies alone in	
1772 ——— ———	<u>6,024,000</u>
Difference ———	<u>485,000</u>

Thus the trade with America, has increased nearly to an equality with what the great commercial nation, England, carried on, at the beginning of this century, with the whole world. We are not only to sacrifice an im-
mediate

mediate fund of infinite value, but such a fund as no nation ever before possessed, an increasing trade, teeming with every benefit and blessing that can make a people rich, prosperous, and powerful. Are we then in our senses, or are we not? See the sum of our folly and infatuation. An indefinite augmentation of the national debt---an increase of taxes beyond all former example---a diminution of commerce to an actual third of the whole, and that third the only increasing part, and influencing very materially all the rest---a depreciation of estates in proportion to the diminution of commerce and the increase of taxes---the sacrifice of a capital part of the revenue, with the best source of naval stores, and a great nursery of seamen.

These are the immediate and unavoidable consequences of this war. The ministry are bold in their ignorance. They acknowledge they have hitherto been misled. I am afraid we shall never see them lead right. I stated my facts and my computations. Let any one who can, controvert them. The conclusions are indisputable, they are inevitable. The calculation of additional expence, is purposely stated at the lowest. I would not exaggerate. The most favourable side is tenderness. I have made no additional charge for victualling and recruiting, in a situation in which the usual expence must be trebled. I have not swelled the account with the almost incomputable expence of transporting a Russian

Russian army from Petersburgh to Portsmouth, and from Portsmouth to America. Not a word have I said of embodying the militia, which however will certainly take place, at the expence of more than half a million.* I have not heightened the picture with manufacturers starving---poor's rates increasing---insurrections and commotions over the whole kingdom. Nature will have its way; and when popular discontents arise from the feelings and sufferings of the people, it is not an embodied militia that will prevent the dreadful consequences. We are waging war with reason, and with heaven. We must break down the barriers of nature before we can succeed. And what are to be the fruits even of our success? Will desolated cities, and depopulated provinces, be fit subjects of trade or of navigation? Will they contribute to our necessities either by revenue or commerce? If to alleviate the burthens of this nation be the end of this war; the means are directly destructive of the end. Unaccountable infatuation!

But honour pricks us on. We are to seek the bubble Reputation even in the cannon's mouth. Let us not deceive ourselves. Our honour is already lost. When we went all over Europe, begging for assistance to subdue that very people whom we just represented as the most abject cowards; our honour was no more. The ministry have held the British lion up, shorn of his strength,
dismantled

*A vote for this purpose has since passed the House of Commons.

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dismantled of his honours, in irritable impotency. The Russian bear is henceforth to lead the chase, and help him to his prey.

Let us then suppose a conspiracy happily formed, between the two imperial crowns, against the common rights of mankind. Let us suppose, in consequence of it, an army of thirty thousand Russians safely landed in America. Let every step they take be marked with desolation and with blood. Let the cities, towns, villages, plantations, and all that the unceasing hand of industry and toil has for centuries been calling forth from a savage wilderness, be smoking in one common ruin. While the ministry and their Scotch supporters, are hanging over the scene of cruelty till they are glutted; can Englishmen help asking, whose blood is this; whose colonies are thus destroyed; who are to pay for this devastation and ruin. It is English blood; they are English colonies; England must pay. Ought we then to acquiesce in such measures, ought we to approve, ought we to aid them. But when the Russian army has conquered America, how are we to take that conquest from them? Is there no danger of their keeping what they have conquered? Is human nature so changed, that no example should ever again occur of what history so often furnishes?

When we talk of honour, let us compare the conduct of America, with our own. I do not wish to draw odious comparisons.

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In my opinion the hearts of the people are not with the present proceedings. It is a ministerial war, influenced and instigated by Scotch counsels. After having solicited all Europe not to assist the Americans, we are now most humble petitioners at every court, to assist us. We are ready to arm and to reward any hand, that will aim the instrument of death at the heart of an American.

On the contrary, the Americans have trusted to their own arms for their defence against the ministerial armaments and machinations. While the ministry have pursued every desperate, and destructive measure by calling in other nations, and even Roman Catholics, for their ruin; they are still earnestly desirous of reconciliation, and therefore, averse to take a step which must render that reconcillement impracticable, have delayed the calling in any foreign aid to this moment.* While the

* When hostilities were commenced, say they, in their address to us, when on a late occasion we were wantonly attacked by your troops, though we repelled the assault, and returned their blows, yet we lamented the wounds they obliged us to give; nor have we yet learned to rejoice at a victory over Englishmen.

His Majesty's most gracious speech assures us, that among the many unavoidable ill consequences of this rebellion, none affects him more sensibly, than the extraordinary burthen which it must create to his faithful subjects.

The Congress declare that nothing but "necessity shall drive them to excite any other nation to war against Great Britain." The speech says, I have the *satisfaction* to inform you, that I have received the most friendly offers of foreign assistance, and we know that every effort has been used to procure these offers, and obtain a foreign army for the destruction of the colonies.

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ministry are giving two guineas and an half bounty, indiscriminately, to every creature that will enlist; while rewards and encouragements are held out in the public papers to the Irish Roman Catholics to tempt them into the army, while Canadians, Indians, Hessians, Hanoverians, Russians and every animal of blood is conjured into this murderous service; hear the orders of the adjutant-general to the American army. "You are not to enlist any deserter from the ministerial army, nor any stroller, negroe, or vagabond, or person suspected to be an enemy to the liberty of America, nor any under eighteen years of age. You are not to enlist any person who is not an American born, unless such person has a wife and family, and is a settled resident in this country.

Given at the head quarters at Cambridge,
this 10th day of July, 1775.

HORATIO GATES, *Adjutant-general.*"

To what can this very marked difference in the means of getting men to carry on this war be imputed? To the principle of the war alone; for in every other respect the facility should be ten fold greater in the ministerial party. It is, that on the American side the cause is deemed the best that can engage men of property and principle to take up arms; while on the other side, a general abhorrence of the business throws an insuperable damp upon the service. While the Americans there-
fore

fore have their choice at home, the ministry are obliged to look abroad for assistance; and at length to apply to the unfeeling Russian. The Russian does not enquire about the purpose, but the pay. Tempt him only with that, and he is your servant, what bloody business ever. Yet even this savage may be wrought upon by the situation of America; and may feel that to be free, or join those who are fighting for freedom, and property, is preferable to the unprofitable, slavish, and sanguinary profession of a Russian soldier.

Let any one candidly consider who they are that shew themselves most eager and assiduous in promoting this unnatural war. Are they not the Tories, Jacobites, and Scotch. Do not men of this description set themselves ostentatiously forward, both in and out of parliament, in urging us to extremities, and preventing all accommodation? *They* see it is the *old cause*, though *we* cannot. They see that the extinction of Whig principles in America, will be a sure means of silencing them here, and render Toryism triumphant. There are no means too hazardous and too detestable, for them to employ to this end. Should they succeed, the constitution of this country would be no more. Yet these are the men who pretend to be most anxious for the dignity of Great Britain. These are the men who would persuade us, that our liberties are not concerned in the question. Princes, and the ministers of

princes, have ever cloathed their tyrannical intentions, with professing regard for the rights and welfare of the people. Before we are dupes of such shallow artifices, let us remember that the present pious king of Sweden, the very moment he set his foot on the free constitution of his country and rendered himself despotic, called God as a witness to his sacred regard for the public liberty, and that he could have no interest separate from that of his people. Of *his* sincerity we can have no doubt.

This war then threatens us, not only with a diminution of our commerce and revenue, an increase of taxes, and the most dangerous commotions; but it saps the very foundation of constitutional liberty. For if the sword once subdues a third of the empire to the absolute will of the crown, under the auspices of a corrupt and servile parliament, it will not be long before the whole is reduced under the same domination. Should any one doubt of there being any such intention against our liberties, let him examine the doctrines lately promulgated, under great patronage, by Dr. Johnson and Mr. Wesley. If he can find any difference between them, and those of Filmer, Manwaring, and Sacheverell, or those in support of ship-money, he has more discernment than I have. In the mean time it is certain, that a government which had not settled its plan, and was not withal very fool-hardy in the execution of it, would
never

never suffer such suspicious doctrines to come forth, avowedly under its pay and patronage.*

Hitherto I have avoided augmenting the the impolicy of this war, by the probability of its leading to an attack from our ancient and inveterate enemies, when we are least prepared to resist it. The subject is delicate and dangerous. But the conduct of our ministers has surrounded us with difficulties. To speak upon the subject is endangering, to be silent is betraying the public. Let the punishment be on the heads of those who have wickedly brought us into this dangerous dilemma. In considering the policy of this war, it is absolutely necessary that we should contemplate this, as a consequence of it, as probable as it is perilous. The object of the French, previous to the last war, and the cause of its commencement, was to deprive us of our American colonies. They have long seen that, as the surest road to our ruin. The success of the war on our side disappointed them. But that very success being due to the resources derived from our colonies, is a proof to them that their policy was well

* I appeal to the observation of the public, whether the object of administration has not been for some years to encourage the profligate and seduce the unwary, to explode all public spirit, and ridicule every sacred form of our constitution. "If ever, therefore, a test for the trial of spirits can be necessary, it is now. If ever those of liberty and faction ought to be distinguished, it is now. If ever it was incumbent on the people, to know what the constitution is, and to unite in its defence, it is now."

founded,

founded, and is an additional incentive to them to wish us separated. It was obvious to them, that, as the minister who conducted it declared, it was the American fund which carried us triumphantly through the last war. The peace-making minister who succeeded, gave his testimony also to the importance of those colonies, since he made the possession and extension of them, the main object of his negotiations. Influenced then by their former policy, which intermediate events have contributed to confirm, the French must see, with infinite satisfaction, that we are doing the very thing they wish to do. In this situation, what conduct would the interest of France direct her to hold? It is too plain to be doubted, or mistaken. It is their line to lull us into security, and induce us to persevere by the most earnest and flattering assurances of neutrality; while they are secretly aiding the colonies, or animating them with promises of support. That they have done the first, we are told by the ministers themselves. They tell it like men who are completely the dupes of it; and we have the misfortune to perceive it has its full effect. That they secretly assist the colonies admits of no dispute.

Mark then the progress of this business. When we are completely involved in this war, all our army and most of our navy engaged in a desperate and destructive service, at the distance of three thousand miles,
exhausted

exhausted of men and money ; can you suppose such folly in France as not to attack us ? When not only our humiliation would be easy, but even our annihilation as a sovereign state, would not be difficult, can we so far confide in the folly or forbearance of our enemies as to hope they will let slip such an opportunity of triumph to them, and ruin to us. But I shall be told that the Hanoverians and Hessians will maintain our garrisons and defend our coasts. Are we then reduced to this ? Is it thus, this Tory administration preserves our dignity and honour ? Is this our boasted supremacy ? We are to seek safety and protection from the little states of Germany ; and the imperial crown of Great Britain is to hide its diminished lustre, under the electoral coronet. Russia is to fight our battles in America ; Hanover and Hesse in Europe. The British sword is again restored to the hand of Lord George Sackville, and lies dishonoured in the scabbard. Such are the shameful, the dangerous, the dishonourable consequences of this wicked war. Well therefore might the address from the city of London, to the electors of Great Britain say, “ The provision that is making for the introduction of Hanoverian and Hessian troops, instead of removing confirms our apprehensions. Because we cannot have any confidence in the protection of foreign mercenaries ; and feel at once the shame and folly of that policy, which is to burthen us
with

with taxes for the payment of foreign protectors, while our own brave troops are slaughtered in an unnatural, unnecessary, inglorious contest." This is the sterling language, these the manly sentiments of true Englishmen. Our militia is another resource. But will our militia defend Ireland? Will our militia guard our West India islands? How much sooner might a French army march to London, than the northern and western militias could unite to oppose them?

It is therefore but too manifest, that we put every thing to the hazard in the prosecution of these pernicious measures against America. The uncertain consequences of it are dreadful, the probable ones—fatal. In this respect our folly exceeds the folly of Spain. She hazarded only her dominions in the Low Countries—we hazarded our very existence. Perhaps fate has decreed, that the conduct of Spain shall no longer stand as the grossest act of infatuation in the history of nations.

When the ministry tell us they have been deceived, why do they not retract from the measures founded upon that misinformation, and bring the authors of it to public justice? Can any thing be more alarming, than that, with their errors before them, and all the fatal consequences of them, they should persevere in the paths of deception. As if the calamities we already suffer were not sufficient; and the discovery of one error would warrant the commission of an hundred. The falsehoods
and

and abuse against America, by which the public has been deceived and inflamed by his Majesty's servants, both at home and abroad, are the infamous arts of base and degenerate men. The accusations of scalping, maiming, and making war like savages, which General Gage and the court Gazette have sounded in the ears of a too credulous people, have not been verified against the Provincials in a single instance. Nay more----when Governor Johnston, on the first day of parliament, offered to produce an officer at the bar of the House of Commons, who was in the whole engagement at Concord, and taken prisoner, the ministry, conscious of their iniquity, would not listen to it. Nothing can be more painful than a minute detail of human depravity. I shall therefore content myself with laying before the reader one decisive instance of the little credit due to the accusations of General Gage against the people.

In the proclamation against the people of the Massachusetts Bay, signed Thomas Gage, are these words—" And while indefatigable and shameless pains have been taken to obstruct every appeal to the real interests of the people of America ; the grossest forgeries, calumnies, and absurdities, that ever insulted the human understanding, have been imposed upon their credulity. The *press*, that distinguished appendage of public liberty, and when fairly and impartially employed, its best support, *has been*

I invari-

*invariably prostituted to the most contrary purposes."**

In answer to this dreadful censure, hear the same Governor Gage, in his letter to Lord Dartmouth, dated Boston, January 18, 1775.

" I conceive the *press*, which has been *more open to government than usual*, to have been of *great use*; through which channel, the conduct of the leaders has been laid open, and the absurdities of the resolves of the continental Congress exposed in a masterly manner, which has served to lower that impression of high importance, which the Congress has made upon the people's minds."†

After this acknowledged abuse of the press, in traducing that Congress which was the object of reverence and almost of adoration with the people, one would have supposed it was the other party that complained of its having been invariably prostituted to the contrary purposes for which the press was instituted—the support of public liberty. But it was necessary in that proclamation, as it has seemed in every government paper, both there and here, to rail against the people; and therefore this topic of abuse was taken up without any regard to truth, or even to consistency. The same spirit has inspired General Gage's superiors here, in a proclamation for suppressing rebellion and sedition, it is said—"there is reason to apprehend that such rebellion hath been

* Remembrancer, vol. I. pag. 91.

† Parliamentary Register, vol. I. pag. 194.

been much promoted and encouraged by the traitorous correspondence, counsels, and comfort of divers wicked and desperate persons within this realm." This charge was re-echoed, with the most sanguinary comments, in all the court addresses. Yet when the ministers were called upon in parliament to make good such a charge, they acknowledged they had no evidence of any such, and that it was a libel. And though they seized and examined all the papers of one popular gentleman, upon the pretence of a plot, the most ridiculous that ever disgraced the contrivance of idiots, they have not been able to produce the least tittle in proof of their declaration : a declaration so alarming, that out of respect both to the King and the people, it ought never to have been made, but upon unquestionable ground. It is as little for the reputation of government as for the quiet of the people, that accusations of treason being abroad, should be lightly made in so authentic an act as a royal proclamation. It is scattering firebrands and death with inconsiderate and very culpable levity. After such conduct—after such proof of a total want of regard to truth and justice, to the honour of the crown or the peace of the people, both in his Majesty's ministers and generals, if they can preserve any confidence or credit with the public, it is a public determined to be deceived.

There are two other acts of cruelty and want of good faith, on the part of General

Gage, which have averted the minds of the Americans, and diminished very much that high reverence they felt for English justice and humanity. As it is this opinion that formed the surest ground of their confidence in our government, whatever lowers it, is much to be deplored. The transactions which have been already touched upon, are these.

When Lord Percy was retreating before the Provincials, after the affair at Concord, he met near Charles Town a gentleman of great influence. His Lordship asked, if he thought the town would receive and shelter his troops. The gentleman said, he believed they would. "I must be assured of it," replied Lord Percy. The gentleman immediately went into the town, consulted the select men, and returned with this answer—"We will receive the soldiers, and bathe their wounds." Lord Percy with the troops marched in accordingly; and, as every one knows, they were there sheltered from further pursuit and danger. In a very few weeks after so signal an act of friendship and humanity, this town was burnt to ashes by the very same troops. I do not enter into the question, whether it was an indispensibly necessary manœuvre of war. That however has not been proved. I speak only of the very unfavourable impression an act so apparently horrible made upon the minds of the people. And indeed, if the burning that town, unguarded the wing of the Provincials, and exposed them to be flanked, the victory

tory was obtained by an accident, and he might have spared the insult of boasting the infinite superiority in valour of the British troops. In any event, a man, who felt like a soldier, would not think it a feat to boast of, that a regular army had forced irregulars from intrenchments, thrown up in a few hours, undefended by cannon, and fired upon incessantly by the standing batteries in Boston, the floating batteries in the river, the ships, and the field artillery, to give full effect to which, he himself tells us, the army *advanced slowly, and halted frequently.**

Some time after this, the inhabitants in Boston, urged by the utmost distress, desired that they might quit the town with their effects. General Gage agreed they should do so, provided they would deliver up their arms. But when they had resigned their arms, he refused to let them carry out any of their effects, and clogged even their personal departure with great difficulties. Thus he got possession of their arms, by a trick, and such a breach of faith, as ought to render him infamous for ever.† I have my in-

* See the Gazette, July 25.

† "In open violation of honour, in defiance of the obligation of treaties, which even savage nations esteem sacred, the Governor ordered the arms deposited by agreement in safety for their owners, to be seized by a body of soldiers; detained the greatest part of the inhabitants in the town, and compelled the few, who were permitted to retire, to leave their most valuable effects behind." *Address of the general congress.*"

formation of these facts from indisputable authority ; and such as would appear at the bar of the House of Commons, were there any inclination there to do that injured and insulted people justice. To manifest such an inclination, and to enquire into such proceedings, would be the fairest foundation for renewed confidence and reconciliation.

If there were little feeling in this country for the sufferings of our fellow-subjects in America, if we did not condemn the readiness with which the most outrageous abuse of them is received and repeated, it would give a melancholy proof of the decay of that humanity and magnanimity which used to be the honourable distinction of Englishmen. These ministers would change not only the constitution, but the characteristic of this country. Indeed those noble qualities must be extinguished before the public voice will aid and approve so wicked a war. To trample upon the common rights of mankind, to carry famine, fire, and sword into their country because they will not yield to laws, which if yielded to, would render them the most abject slaves on earth, to stir up Roman Catholics, savages, and even their negroes,*

* Governor Littleton, who seconded the motion for an address to his Majesty, informed the House, and seemed to do it with pleasure, that the negroes in the southern colonies were numerous, and ready to embroil their hands in the blood of their masters. The reader will also see the same savage threats thrown out against the people of Virginia by Lord Dunmore, fully authenticated in the proceedings of the assembly of that colony. *Remembrancer*, vol. I. page 183.

to embrue their hands in the blood of our fellow-subjects—these are acts of cruelty and rancour which no people, not lost to every sentiment of humanity and virtue, could hear without horror. What heart can be unmoved, or help calling down the vengeance of Heaven upon the inhuman ministers of these measures, when we read of a large and populous place like Charles Town, set on fire in an instant, and consumed to ashes by the destructive engines of war—the defenceless town of Newport in Rhode Island, battered for a whole day by ships of war—the city of New-York fired upon by the Asia man of war, every road filled with women and children flying into the fields for shelter, their venerable old governor promising them protection in vain—*crudelis ubique luctus—ubique pavor—et plurima mortis imago*. These are the triumphs of our ministers in this impious war. The conflagration of British towns—the desolation of British provinces—gazettes of British blood, shed by British hands, and mutual lists of our slaughtered fellow-subjects. The extremities to which that unhappy people have been driven, should not harden our hearts against compassion for their sufferings. Since, to speak in the manly language of General Washington—“ Let our opinion of the principle which actuates them, be what it may ; they suppose they act from the noblest of all principles—a love of freedom, and of their country.” Actuated by the same principle,

ciple, our ancestors vindicated from the hands of tyranny, those rights and liberties which we now enjoy. It would therefore little become us to condemn the operation of the same principles in the Americans ; or to rejoice at the calamities they suffer in asserting and maintaining them.

Among other means, which have been industriously employed by ministerial men, to prejudice our minds against our fellow-subjects in America, they have been accused, both in and out of Parliament, of withholding their just debts to the merchants of this country, and smuggling to the great injury of its commerce. What foundation there is in these charges, we may judge from the testimony of the American merchants. Those of London, declared last year, at the bar of the House of Commons, that—they were in no apprehension about their debts, but from the measures taken by that House. The merchants of Bristol have spoken precisely on this subject in their last petition.---“ We owe, say they, a testimony of justice to your colonies, which is, that in the midst of the present distractions, we have received many unequivocal proofs, that our fellow-subjects, in that part of the world, are very far from having lost their ancient affection and regard to their mother country, or departed from the principles of commercial honour and private justice. Notwithstanding the cessation of the powers of government, throughout that vast continent,

ment, we have reason to think, judging by the imports into this city, and by our extensive correspondencies, that the commodities of American growth, enumerated by acts of Parliament, have been as regularly brought to Great Britain, as in the most quiet times. We assure your Majesty that the trade of this port, and the *subsistence of a great part of your kingdom*, have depended very much on the *honourable*, and in this instance, *amicable behaviour of your American subjects*. We have, in this single city received, within one year from the first of September, 1774, more than one million bushels of wheat, to say nothing of the great quantity of other valuable commodities essential to our navigation and commerce. These circumstances we humbly beg leave, with the utmost deference, to submit to your Majesty's consideration, in order to shew, that whenever your royal clemency shall exert itself, in behalf of your colonies, the dispositions, on their part, to peace and reconciliation, are by no means so unfavourable, as many persons, from passion or misinformation, may possibly suggest."

It is very well known that we were last year in danger of a famine ; from which this copious supply of grain from America, relieved us. Mark then the difference between the conduct of the ministers and of the Americans. While the ministers were passing acts of parliament here, with the avowed intention of starving the people there ; and their Scotch supporters were lamenting that it was possi-

ble they might not be effectually starved—the Americans were holding out to us the staff of life, and furnishing to our necessities that food, which the inclemency of the heavens had denied. Can there be a stronger contrast offered to a generous and enlightened people? Can there be any longer a doubt of the affection of our Colonists towards us, of their being actuated by the most noble motives, in a manly maintenance of their liberties; while their enemies employ every wicked and inhuman means to subvert them? Certain, however, it is, that many of those who have been saved from ruin and from famine, by their large remittances, are addressers for their destruction. Impelled, perhaps, by the same irresistible court influence, which made General Howe undertake to be the butcher of that very people who had raised a monument to the memory of his brother.

The next crime, and that which they seem to think of the deepest die, is that the Americans are aiming at independency. They appear to imagine that the mere suspicion of such an enormous wickedness as the *desire of independency*, is sufficient to justify the laying their towns in ashes, the devastation of their country, the slaughter of the inhabitants, and the confiscation of their estates. When you ask them for proofs—they have none; but, like Iago—for mere suspicion in that sort, they act as if for surety. I will however so far give them the advantage of the dispute, as not only to wave requiring them to prove their charge,
but

but to shew that they have not the least colour of foundation for it.

When it shall appear that Governor Hutchinson, envenomed as he is, could not make a direct charge of any such intention, even against that part of America which is universally deemed the most disposed to it, we may venture to pronounce it a groundless accusation. In the year 1770 he writes thus—I do not say that the contrary principle is yet established, but there is a growing *tendency* to it.” A tendency it seems to this high crime, something like a treasonable practice, so vague that it may fit any fact, was all of which he could then accuse the people. Nay, in the very same letter he acknowledges that——“ a great part of the colonies still keep up my Lord Chatham’s distinction.” “ If parliament, he continues, gives up taxation, let it assert legislation, and support it *before this part of the people find out*, that it is the right of Englishmen to be governed by laws in general, as well as laws for taxation, to which they have given their consent in person, or by their representatives.*” Every one knows that Lord Chatham’s distinction preserved the supremacy clear and entire ; so that this is plainly a confession on the part of Governor Hutchinson, that most of the colonies still acknowledged the supreme legislative authority. He even goes farther, and intimates, that his part of the people had not yet so much as discovered what his superior sagacity discerned, that it was essen-

* Remembrancer, p. 121.

tial to their liberties to assent to all the laws which bound them. Without this discovery, no one can suppose they could entertain any designs of independency.

In 1771 the governor tells us—"the faction in this province, against government, is dying, but dies hard." This looks still less like a general design of independency. In another letter he informs us, "that the disorders in America must be attributed to a cause, that is common to all the colonies, a loose, false and absurd notion of the nature of government, which has been spread by designing, artful men, setting bounds to the supreme authority." The general object then of the colonies was confessedly to *limit*, not to *destroy*, the supreme authority; while Mr. Hutchinson's wish was to render it unlimited, that is—despotic. Again, we are told that—"all this disorder is owing to a general disposition, not in the body of the people only, but in those to whom the administration of government by the constitution is entrusted, to favour the measures of the merchants, as the only means—to preserve the rights of the people, and to bring about the repeal of the revenue acts, and other acts called unconstitutional." This is a full and complete acknowledgement that the object of their opposition was the revenue acts, and not the supremacy; that the opposition was universal; and that they hoped to effect this by no greater violence, than resolving not to consume the manufactures of this country, till their grievances were redressed.

redressed. Yet General Gage has the injustice to say, in his letter to General Washington, that, "the present crisis was long since projected on the part of America, and that they who influence their councils have views very distant from accommodation." It cannot, I think, have escaped the observation of any reader, that this General Gage has constantly substituted accusation for action; and added the calumny of inflammatory falsehoods to the perfidy of violated faith.

But to return to Governor Hutchinson. So late as 1773, the design of independency seems, in his estimation, to have continued problematical.—"If, says he, we will be independent, why should we not be threatened with what would be the consequence of our being *actually* so, a restraint from all trade with the colonies which acknowledge themselves subjects." Still therefore it remained subject to an If; and when he ventures farther to hazard his utmost assertion, it is that ——"if the supremacy had not been denied in England, few persons would dared (have dared he means) to have denied it in America."

I may now submit to the candid consideration of every reader, how little colour there is for this charge, when this very Governor Hutchinson, hostile and unprincipled as he is, avowing that every *machiavelian* policy ought to be used against that unhappy people, is yet unable, with all the malignity of his invention, to form a direct accusation of any premeditated plan of independency. But I have

have still farther evidence, that will force conviction upon this point. The letters which were laid before Parliament, during the last sessions, from all the governors in America, are reports upon this subject; and it is remarkable, that not one line of them imputes the disturbances there, to a design or desire of independency, or of destroying the supreme legislative authority of the British Parliament. On the contrary, General Gage attributes them to a sudden spirit of infatuation and madness, arising from the Boston port bill, and the other acts which accompanied it. He writes to Lord Dartmouth that “the phrenzy had spread in a greater or less degree, through all—that he has learnt, by an Officer from Carolina, that the people of Charles Town were as *mad* as those at Boston.”—Phrenzy and madness are not the disposition in which men carry into execution, great and deep designs, deliberately formed. These are passions which arise from violent causes, such as condemning without hearing, and involving the unquestionably innocent with the supposed guilty, in a punishment ten thousand fold greater than the offence, if that offence had been fairly tried, and fully proved.

Had the pious Lord, to whom those letters were addressed, recollected what he must have read, he would have found the cause of these commotions in what the wisdom of Solomon has told us—“Verily oppression maketh wise men——mad.”

General

General Gage, in his letter to Lord Dartmouth, dated the 25th of September, 1774, says—"Your Lordship will observe that the delegates complain of misinformation, and deny a wish of independency."

The other governors are more explicit both as to the causes and the intentions of the popular commotions. Governor Colden writes in 1774 that—"almost the whole inhabitants of the counties wish for moderate measures---that a great majority of the province abhor the thoughts of a civil war, and desire nothing so much as to have an end put to this unhappy dispute with the mother country." Had such been the wish of administration, they would not have failed to adopt the plan proposed by the same Governor in the following words—"could it be thought consistent with the wisdom of Parliament, to lay aside the right of raising money on the subjects in America, and in lieu thereof, that the several American assemblies should grant and secure to the crown a sufficient and permanent supply to pay all the officers and ordinary expences of government; they are of opinion this would be a ground-work upon which a happy reconciliation might be effected; the dependance of the colonies on Great Britain secured, government maintained, and this destructive contest amicably terminated."* The sentiments of Governor Penn are to the same point, and worthy of the utmost attention---
 "I think it, however, my indispensable duty
 to

* Parliamentary Register, page 75.

to his Majesty to acquaint your Lordship, that, from the best intelligence I have been able to procure, the resolution of opposing the Boston-acts, and the Parliamentary power of raising taxes in America, for the purpose of a revenue, is in a great measure universal throughout the colonies, and possesses all ranks and conditions of people. They persuade themselves there is a formed design to enslave America; and tho' the act for regulating the government of Canada, does not immediately affect the other provinces, it is nevertheless held up as an irrefragable argument of that intention.†——They look upon the chastisement of Boston to be purposely rigorous, and held up by way of intimidation to all America; and, in short, that Boston is suffering in the common cause. Their delinquency in destroying the East India company's tea, is lost in the attention given to, what is here called, the too severe punishment of shutting up the port, altering the constitution, and making an act, as they term it, screening the officers and soldiers for shedding American blood. The plan which seems to be universally adopted, is the procuring a general congress, in order to state the rights, and represent the grievances of America, to the throne; and to agree upon such measures as may be thought most likely to relieve Boston---and restore harmony between Great Britain and the colonies."* With what face then can these ministers say they were deceived; with what

† Parliamentary Register, page 83. * Ibid. page 82.

what face can they charge a design of independency upon the colonies; when they are solemnly told, by one of the most respectable of their governors, from the fullest information, that one great object of their planning a general congress was—to restore harmony between the two countries? Who is it then, that has rendered all their endeavours abortive?—The ministry. What is it that has exasperated, instead of healing; and in the place of restoring harmony, has inflamed popular discontent, into civil war?—inhuman acts of legislative authority, inexorable oppression, redress refused, grievances exasperated, hostile fleets, and desolating armies. Governor Eden's information, from the province of Maryland, is that—"the spirit of resistance against the tea-act, or any mode of internal taxation, is as strong and universal there as ever. He firmly believes they will undergo any hardships sooner than acknowledge a right in the British Parliament, in *that particular*."* Of much the same nature is Governor Bull's account, touching the situation of South Carolina. "Their own apprehensions and thoughts, says he, confirmed by the resolutions and correspondence from other colonies, have raised an universal spirit of jealousy against Great Britain, and of unanimity towards each other—the general claim is exemption from taxation but by their own representatives, as co-essential with the British, their own constitution."†

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Thus

* Parliamentary Register, page 103. † Ibid. page 87.

Thus the intelligence from different governors, in a variety of provinces, co-operates to exclude any colourable charge of a design to deny the supreme legislative authority. They all agree, that the raising money upon them by an assembly, in which they are not represented, joined with the severity and injustice of the acts against the Massachusetts Bay, was the cause of their discontent—that the discontent was universal—that the object of their opposition was to obtain redress of those grievances, and regain their former harmony.

The proceedings of the first general congress were conformable to the intention with which Governor Penn declares it was planned. They say in their petition to the throne, “We ask but for peace, liberty, and safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any *new* right in our favour. Your royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavour to support and maintain.”

After the most contemptuous rejection of this petition, after every insidious attempt to disunite and destroy them, after the addition of new and general grievances to old and particular ones—we find the late congress unmoved in their resolution of keeping within the former line of their demands, and preventing if possible, the separation of the two countries. In their address to the inhabitants of Great Britain, so late as July the 8th,

1775,

1775, they say, " We cheerfully consent to the operation of such acts of the British Parliament, as shall be restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country---excluding every idea of taxation, internal or external, for raising a revenue on the subject in America without their consent."—So in their last petition, they declare themselves " ready and willing at all times, as they have ever been, with their lives and fortunes, to assert and maintain the rights and interests of his Majesty and of the mother country. That they do not request such a conciliation as may, in any degree, be inconsistent with her dignity or her welfare."—and, in fine, " that they hope for an opportunity of evincing (consistent with the preservation of their liberty) the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects, and the most affectionate colonists."

Thus the colonies have constantly and clearly defined the limits of their rights, and the line of their subordination. They have most explicitly stated their grievances, most earnestly implored redress ; and avowed their determination to submit to the supreme external controul of parliament, but not to its internal authority. It is impossible that any conduct can be more open and undisguised. It is impossible that any conduct can less deserve the censure thrown upon them in a late speech, that——" they meant only

to amuse by vague expressions of attachment to the parent state, and the strongest protestations of loyalty to the King, while they were preparing for a general revolt——and that the rebellious war now levied, is manifestly carried on for the purpose of establishing an independent empire.”——I have already proved, from the testimony of the American governors, how little foundation there is in fact for such imputations. The impolicy of them is manifest. Can there be a surer way imagined of rendering subjects disloyal, than treating their strongest protestations of loyalty as false and treacherous? Is not the continually holding up to them the flattering idea of an independent empire, drawing their attention and desire towards it? And when these ministers manifestly plan their coercive conduct upon that supposition, they themselves make independency necessarily the subject of the contest. But to do them justice, this is not the subject of their consideration. They have but one object in view. It is to bring the question to the decision of force, in which they think themselves decidedly superior. They flatter themselves the conquest of the colonies will ensue, and this will substitute the government of the sword, for that of the law. How soon they would transfer that government to this country, were they suffered to succeed in their wicked purpose there, is matter of the most serious and alarming consideration. That they will force the colonies to be totally independent, or totally enslaved, is certain. The rejecting their last petition, the proclaiming

ing them in rebellion, the loading them with invectives from the throne, and the commencement of the ensuing campaign, will effectually cut asunder every tie that united us, and put them away for ever. There remain but a few months, for the intervention of justice, wisdom, and moderation, to arrest this fatal event.

Many have been the plans proposed, to effect this most desirable purpose. May I be permitted to offer mine? It should be measured by the magnanimity of the people, and not by the meanness of the ministers. The servants of Lord Bute will ever appear to me mean, in proportion to the elevation of their birth, and the splendor of their race. Lord Chatham, among the many wise things he has said, never advanced one of more sterling wisdom than that, we must repeal the animosity we have occasioned. This intention will be the basis of my plan. It will be a plan to repeal not only the obnoxious acts, but the animosity those acts have produced. There is a passage in the last humble petition from the Congress to the Throne, which for its wisdom and humanity deserves our most serious consideration. "Knowing, say they, to what violent resentment and incurable animosities civil discords are apt to exasperate and inflame the contending parties—we think ourselves required, by indispensable obligations to Almighty God, to your Majesty, to our fellow-subjects and ourselves, immediately to use all the means in our power, not incompatible with our safety,
for

for stopping the further effusion of blood, and for averting the impending calamities that threaten the British empire."

Let *us* then equally impressed with the solemnity of the subject, equally apprized of what must be the fatal consequences of a continuance of these measures, approach the temple of Peace with the same wise, humane, and hallowed intentions.

The spirit that has produced these disturbances, was narrow, tyrannical, and extortionate. The spirit that heals them must be liberal, just and generous. Such a spirit will not only be conciliating but commanding. It will command, as freemen ought to be commanded, by its intrinsic lustre and worth, by the respect, attachment, confidence, and affection which such genuine worth procures.

Founded upon such sentiments, which I am persuaded will be productive of the most real benefits, my proposition is shortly this——
 Repeal all the laws, or parts of laws, of which they have complained. Recal your fleets and armies. Pass an act of oblivion. Let his Majesty be graciously pleased to send respectable governors to his colonies, with instructions to call assemblies immediately ; desire of them to revise the state of their trade, and shew what restraints may be removed with profit to them, and without loss to us. If upon due revision here, this should appear to be fact, let those restraints be removed accordingly. Then let requisitions be made for the grant of such supplies

supplies from them, as may contribute to the payment of the national debt.

This is my plan. By the first part of it, you will regain their confidence and affection——by the second, you will open new sources for their industry and enterprize to acquire wealth——by the last, you will furnish them the wished for opportunity of evincing the sincerity of their professions, by contributing liberally and largely, out of their acquisitions, to the necessities of the mother-country. I have stipulated no declarations on our side——no tests on theirs. Every thing is left to the silent operation of that confidence and affection which I am sure a liberal and generous conduct will inspire. If we are incapable of conceiving this, or of trusting to it ; all I can say is, that we are incapable of governing such a body of freemen. They must be cultivated, not coerced. From conciliation we may expect every thing——from compulsion nothing. Till we learn this lesson——till we remember that free spirits may be led, but cannot be driven; we shall never know the true art of governing. Lord Bolingbroke observes, with his usual sagacity, that---“ the spirit of liberty will give greater strength, as well as procure greater ease to government, than any absolute monarch can hope to find in the most abject spirit which principles of blind submission and passive obedience are capable of inspiring.” We have tried what force can do. Have we any reason to rejoice in the experiment? Let us try free-will. There

is no middle way. An accommodation formed upon negotiation and stipulations, will be precarious and ineffectual. Stipulations are always felt as fetters, which free minds are forever endeavouring to throw off. A gratuitous, unconditional redress, is becoming the dignity of a commanding people. When fair and honourable means have failed, it will be time enough to renew the hitherto unavailing experiment of force.

“ But what, says the financier, is peace to us without money? Your plan gives us no revenue. No! but it does—for it secures to the subject, the power of refusal; the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you 152,750*l.* 11*s.* 2*d.* no, nor any other paltry limited sum. But it gives the strong box itself, the fund, the bank, from whence only revenues can arise among a people sensible of freedom: *posita luditur arca*. Cannot you in England; cannot you at this time of day; cannot you, an House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near one hundred and forty millions in this country?

“ Is this principle to be true in England, and false every where else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume that,

that, in any country, a body duly constituted for any function, will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all government in all modes. But, in truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For first observe, that, besides the desire which all men have naturally of supporting the honour of their own government; that sense of dignity, and that security to property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved, that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the political machinery in the world.”*

Let us then change this new system of statutes, regulations, and coercion, productive only of dissensions, ruinous expence, and blood; for the energy of mild and generous government, under which our union was firm and uninterrupted, our commerce prosperous, our arms triumphant, such copious supplies were granted, such strenuous exertions made, as procured them the repeated approbation of his Majesty, of the late King, and of both Houses of Parliament. Can it but wound

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* Mr. Burke's second speech.

every feeling of dignity about us, that instead of this conduct, honourable for us and happy for them, not a session has passed away, since the commencement of this new system, without the re-iteration of such ungracious words, from the throne, from parliament, and from individuals in high office, as——cowards——ungrateful——perfidious——seditious——rebellious people. Such resentful and injurious words, followed by acts full of equal injury and resentment, have at length produced the resistance which we call rebellion. The tory doctrines of passive obedience and non-resistance are renewed upon this subject. My thoughts upon it are within a very narrow compass.

The constitutional right of resistance, carried into execution, effected the glorious revolution, and placed the crown upon the ancestors of our present most gracious Sovereign, who wears it only on the authority of that right. *When* that right of resistance is to be exercised, must be determined by the community which is affected by the grievance they think proper to resist. The revolution was founded on the sense of Great Britain, without consulting the colonies; because Great Britain was more immediately pressed and endangered by the grievances they opposed. The present opposition in the colonies is founded upon their sense of grievances, particularly affecting them. It is, I confess, therefore, impossible for me to comprehend, how the one can be justly called
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a constitutional resistance, and the other an unnatural rebellion.

The colonies have been accused of not intending the conciliation they implore ; because while they hold the olive branch in one hand, they brandish the drawn sword in the other. Their humble petition to the throne was accompanied, it is said, with an address to the people, and a declaration of their reasons for taking up arms. While they sue for peace, they are preparing for war. All this, I believe, is perfectly true ; and yet when fairly estimated, it argues not the least insincerity. Peace or war is in the arbitration of the ministry ; not of them. The ministry are invading—they are defending their country. Self-defence therefore obliges them to prepare for war, till they are sure of peace. But there is no such obligation on the ministry. They may desist from preparations for war, the moment they are resolved upon peace. Their military arrangements and preparations carry conviction to all the world that they mean war, and war only. To act thus, with pacific intentions, would be an absurdity too great even for them to commit. In this situation of things, they will neither cover their own perfidy, by professions of honesty ; nor injure others, by their unjust accusations. Compare what they have put into his Majesty's mouth this year, with what they told us, through the same conveyance, last year, and judge candidly. —“ The authors and promoters of this desperate conspiracy, have, in the conduct of it,

derived great advantage from the difference of our intentions and theirs. They meant only to amuse by vague expressions of attachment to the parent state, and the strongest protestations of loyalty to me, whilst they were preparing for a general revolt. On our part, though it was declared in your last session, that a rebellion existed within the province of the Massachusetts's Bay, yet even that province we wished rather to reclaim than to subdue. The resolutions of Parliament breathed a spirit of moderation and forbearance."

The following message from his Majesty on the 10th of February, 1775, to the House of Commons, will shew by what kind of a reclaiming spirit, his ministers were animated——“ His Majesty being determined, in consequence of the address of both Houses of Parliament”——breathing a spirit of moderation and forbearance——to——what? withdraw the army of irritation and restore peace; no——“ to take the most speedy and *effectual* measures for supporting the just rights of his crown and the two Houses of Parliament, thinks proper to acquaint this House, that some addition to his forces, by sea and land, will be necessary for that purpose”——the purpose, we presume of moderation and forbearance---“ and doubts not but his faithful Commons, on whose zeal and affection”——their pensions, places, &c. being of no influence——“ he *entirely* relies, will enable him to make such augmentation to his forces, as on the present occasion shall be thought proper.”

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This message is pregnant with proof not only with what sincerity the ministers intended to reclaim and not to subdue, but that they believed the same candid spirit of moderation and forbearance inspired the two Houses. Actuated by this spirit, they sent the finest army that ever went from England, double officered which never was known before, with three of their most able generals, the best train of artillery that this country, or perhaps the world ever saw, and seventy sail of ships to carry the olive branch to the rebellious Americans. Never was a spirit of forbearance so happily displayed before; never were pacific intentions arrayed in such military splendour. To compleat this forbearing plan, orders were sent to General Gage to march out and begin the reduction of New-England; which he immediately, tho' not very auspiciously, commenced.

The two Houses of Parliament, gave as unequivocal proofs of their disposition. They voted that there was a rebellion in the Massachusetts's Bay, abetted by other colonies, they offered their lives and fortunes to subdue it, they granted all the force that was asked, they passed the acts for prohibiting the trade of all the colonies, preventing them from catching fish, and starving them into submission. Every creature, both in and out of Parliament, from the prime minister to the lowest city runner for administration, was loudly boastful of the decisive measures determined upon by government, the vigour of which they affirmed

firmed would bring the colonies to immediate submission. Yet now when their boastings have turned out vain, when confusion, defeat, and disappointment have attended all their operations, they plead a spirit of forbearance and moderation as having marred their measures. Untaught by experience, unmoved by the ruinous consequences, they persevere in oppression which they cannot justify, and are plunging this unhappy country deeper and deeper, into difficulties and distresses from which no human wisdom or virtue will be able to redeem her. Such is the dark and melancholy prospect of the present times.

I have thus delivered my thoughts, upon this momentous subject. Out of the fullness of the heart, the tongue speaketh. I have much indulgence to ask for the present, as well as many thanks to return for the partiality with which my former appeal was received. I have endeavoured to shew my gratitude, by faithfully pointing out the folly that prompts, and the ruin that awaits, the prosecution of this unnatural war. But I am afraid the die is thrown, and we must stand the hazard. I am afraid that good men have nothing now to do, but to weep over, what they cannot prevent—the ruin of their country.

*O patria ! O divum domus Illium ! & inclyta bello
Mœnia Dardanidum !*

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